

# Exhibit G

**MASTER DOCKET CASE NO. 19-CV-01717**

**IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS**

**DEPONENT:**  
**DOUGLAS NICHOLS, VOLUME I**

**DATE:**  
**APRIL 18, 2022**

1           IN THE UNITED STATES DISTRICT COURT  
2           FOR THE NORTHERN DISTRICT OF  
3           ILLINOIS EASTERN DIVISION  
4           MASTER DOCKET CASE NO. 19-CV-01717

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6           IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS  
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DEPONENT: DOUGLAS NICHOLS, VOLUME I  
DATE: APRIL 18, 2022  
REPORTER: JESSE HARP

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<p>1 you could please hold your ID up to the camera and  2 wait for it to focus, please. Thank you so much.  3 You can put it down. Do all parties – do all  4 parties agree that the witness today is in fact  5 Douglas Nichols?</p> <p>6 MR. FLAXMAN: Yes.  7 MS. DOI: Yes.  8 MR. BAZAREK: Yeah.  9 MS. MCGRATH: Yes.  10 COURT REPORTER: Thank you. Okay. Officer,  11 could you please raise your right hand? Do you  12 solemnly swear or affirm the testimony you're about  13 to give is the truth, the whole truth, and nothing  14 but the truth?</p> <p>15 THE WITNESS: I do.  16 COURT REPORTER: Thank you. You can begin.  17 DIRECT EXAMINATION  18 BY MR. HILKE:</p> <p>19 Q Okay. Good morning, Mr. Nichols.  20 A Morning, sir. How are you?  21 Q I'm good. So, my name's Wallace Hilke. As I  22 mentioned, I'm one of the attorneys for the Loevy  23 plaintiffs in this case, and I'm going to be asking you  24 some questions this morning. I – and I know you've  25 taken the deposition in this case before, but I'm just</p>	Page 14	Page 16
<p>1 going to quickly go over some of the ground rules for  2 the deposition today. So, to start, we've got a court  3 reporter taking down everything we say today. So, it's  4 important that you give a verbal answer to everything I  5 ask so it's clear on the record. Does that make sense?</p> <p>6 A Yes, sir.  7 Q And it's important that we speak one at a  8 time, even if you think you know what I'm going to say  9 so the record is clear. Does that make sense?</p> <p>10 A Yes, sir.  11 Q And I will try to make questions that make  12 sense, but if you don't understand what I'm asking you,  13 I need you to tell me you don't understand so I can  14 clarify it. Is that – can we agree on that?</p> <p>15 A Yes.  16 Q And so because of that, if you give me an  17 answer, I'm going to go ahead and assume that you  18 understood the question I was asking. Does that seem  19 fair?</p> <p>20 A Seems fair.  21 Q Okay. And we can take breaks whenever we need  22 them. The only thing I'll ask is that you let – you  23 answer the question that's pending before we go on a  24 break. Is that fair?</p> <p>25 A That's fair.</p>	Page 15	Page 17

<p>1 testimony?</p> <p>2 A I did.</p> <p>3 Q Okay. And was some of that your own trial</p> <p>4 testimony?</p> <p>5 A That's correct.</p> <p>6 Q Okay. And aside from those documents, did you</p> <p>7 look at any other notes that you would've taken to</p> <p>8 prepare for the deposition today?</p> <p>9 A I don't understand your - notes. I don't</p> <p>10 understand your question.</p> <p>11 Q Sure. Did you - so let me ask this. Did you</p> <p>12 take any - so, for example, any personal notes that you</p> <p>13 would've written down, not in an arrest report or a vice</p> <p>14 case report?</p> <p>15 A No, I don't have any notes.</p> <p>16 Q Okay. And do you keep any notes about your</p> <p>17 cases, aside from what you would put in an arrest</p> <p>18 report, a vice case report?</p> <p>19 A No, I don't - I didn't take any notes.</p> <p>20 Q Okay. And do you your own copy of any of</p> <p>21 those documents, of any arrest reports or vice case</p> <p>22 reports?</p> <p>23 A No, not that I recall. I might have copies,</p> <p>24 but I don't know if I - what - which ones or what</p> <p>25 others, I might have them in my locker somewhere or</p>	Page 18	<p>1 that term incorrectly.</p> <p>2 BY MR. HILKE:</p> <p>3 Q Thank you. Let me just ask this. Have you</p> <p>4 written on or marked up in any way the documents in</p> <p>5 front of you?</p> <p>6 A No, I haven't marked any or done anything to</p> <p>7 the exhibits in front of me.</p> <p>8 Q Okay. So, do remember approximately when you</p> <p>9 took your last deposition in this case?</p> <p>10 A I don't.</p> <p>11 Q Okay. So, I want to ask you about - I want</p> <p>12 to be asking you now about the last - like since</p> <p>13 December 2019. So, the time period between what -</p> <p>14 December 2019 and today. In that time, have you talked</p> <p>15 to Sergeant Ronald Watts?</p> <p>16 A No.</p> <p>17 Q Have you talked to Kallatt Mohammed?</p> <p>18 A No.</p> <p>19 Q Have you talked to Manuel Leano?</p> <p>20 A I have.</p> <p>21 Q Okay. About how many times would you say</p> <p>22 you've talked to Officer Leano?</p> <p>23 A In person or over the phone?</p> <p>24 Q Let's start with in person.</p> <p>25 A I believe once - or since 2019?</p>	Page 20
<p>1 somewhere else.</p> <p>2 Q Okay.</p> <p>3 A But not sure.</p> <p>4 Q Do you - and do you have any documents with</p> <p>5 you today as you're sitting for this deposition?</p> <p>6 A I do. I do have some documents.</p> <p>7 Q Okay. And can you tell me - you don't have</p> <p>8 to name each one, but can you tell me what - what</p> <p>9 you've got in front of you?</p> <p>10 A I believe the - what I have, the exhibits,</p> <p>11 what you have. It looks like arrest reports, case</p> <p>12 reports, mugshots, and I believe some affidavits. Do</p> <p>13 you want me to go further? Do you want me to keep</p> <p>14 looking?</p> <p>15 Q No, that's okay. Do you have any personal</p> <p>16 notes in front of you aside those documents?</p> <p>17 MR. BAZAREK: Yeah. You know, I just want to</p> <p>18 make - this is William Bazarek. I'm going to make</p> <p>19 an objection to the use of the word notes. Counsel,</p> <p>20 as you know, I told you before this stuff started</p> <p>21 that we printed out hard copies of the exhibits. So</p> <p>22 - but, I just - I don't connect -</p> <p>23 MR. HILKE: And -</p> <p>24 MR. BAZAREK: Yeah, I don't connect the</p> <p>25 exhibits as being notes, and I think you're using</p>	Page 19	<p>1 Q Yeah.</p> <p>2 A Once or twice, maybe, maybe.</p> <p>3 Q Okay. Do you remember where you were?</p> <p>4 A One time, it was at my house.</p> <p>5 Q Okay. And do you remember what you talked</p> <p>6 about?</p> <p>7 A Fantasy football.</p> <p>8 Q Oh, yeah. Have you talked at all about any of</p> <p>9 the sort of allegations of police misconduct at the Ida</p> <p>10 B. Wells house with Mr. Leano?</p> <p>11 A No, sir.</p> <p>12 Q Okay. And you've talked to him on the phone</p> <p>13 as well in the last few years? I'm sorry - since 2019,</p> <p>14 to be specific. I'm sorry. How many times have you</p> <p>15 talked to him on the phone?</p> <p>16 A I don't know.</p> <p>17 Q Okay.</p> <p>18 A Not that many.</p> <p>19 Q Okay. More than ten?</p> <p>20 A I don't know.</p> <p>21 Q Okay. More than - more than five?</p> <p>22 A Like I said, I don't know.</p> <p>23 Q Okay. More than once?</p> <p>24 A I would say probably yes, probably. But I'm</p> <p>25 not 100 percent sure.</p>	Page 21

<p>1 Q Okay. Since 2019, have you talked to Brian  2 Bolton?  3 A I have.  4 Q Okay. And have you talked to him in person?  5 A I have.  6 Q How many times?  7 A I don't know. Currently, I work in the same  8 area with him right now. So, I can't tell you a number  9 how many times I speak to him.  10 Q Okay. And have you discussed at all the  11 allegations of misconduct at the Ida B. Wells homes with  12 him?  13 MR. BAZAREK: Hey, William Bazarek. I just  14 want to lodge an objection to make clear that  15 there's going to be an objection to any  16 attorney-client communications where Nichols was  17 present with other individual defendants at my  18 office. I just want to make sure that's clear in  19 terms of how he's answering and how you're asking  20 the question.  21 BY MR. HILKE:  22 Q Sure. So, I'll repeat the question. Have you  23 talked with Mr. Bolton at all since 2019 about  24 misconduct at the Ida B. Wells homes?  25 A No, I haven't talked to him about misconduct.</p>	Page 22	Page 24
<p>1 No.  2 Q Okay. Or about – would you say you've talked  3 to him about any of the issues, about any of the  4 allegations about – do you know what – I get – let me  5 stop for a second. When I say the allegations that –  6 of misconduct at the Ida B. Wells homes, do you feel  7 like you know what I'm talking about?  8 A I would say the case that got exonerated. I  9 would assume that you're talking about why we're sitting  10 here today.  11 Q Okay. That's perfect, and then you understand  12 that to include accusations of false arrests, planting  13 drugs, et cetera by Sergeant Watts and members of his  14 tact team. Is that fair?  15 A But your clients allegedly said yes.  16 Q Yes. Understood. Okay. And do you work with  17 Brian Bolton? Are you and Brian Bolton – have you ever  18 responded to the same scene in the last few years? Does  19 your work overlap at all today?  20 A I would say we don't overlap, I would say. I  21 know he's in the violent crimes office, working, and I'm  22 in a different office. So, I wouldn't say we overlap,  23 but no.  24 Q Okay. Have you spoken to Robert Gonzalez  25 since 2019?</p>	Page 23	Page 25

<p>1 Alvin Jones since 2019?</p> <p>2 A No, sir.</p> <p>3 Q Okay. Have you had any conversations with</p> <p>4 Ellsworth Smith since 2019?</p> <p>5 A I don't know if I saw him in the Second</p> <p>6 District passing after 2019 when I was still in the</p> <p>7 Second District. I'm not sure if I saw him or not.</p> <p>8 Q Okay. But other than maybe seeing him in</p> <p>9 passing, do you recall any other in-person – any other</p> <p>10 conversations with him?</p> <p>11 A Like I said, I don't recall if I even saw him</p> <p>12 in 2019. I can't even tell you that. I don't know if I</p> <p>13 saw him in 2019 in passing or if I had not seen him in</p> <p>14 passing. I don't remember.</p> <p>15 Q Okay. Have you had any conversations with</p> <p>16 Lamonica Lewis since 2019?</p> <p>17 A That would be the same thing. Once I – once</p> <p>18 I was in the Second District, I don't recall if I seen</p> <p>19 her in the Second District or if I have not.</p> <p>20 Q Okay. And have you had – do you recall</p> <p>21 having conversations with anyone else who you worked</p> <p>22 with under Sergeant Ronald Watts since 2019?</p> <p>23 A Could you repeat that question –</p> <p>24 Q Sure.</p> <p>25 A – so I understand?</p>	Page 26	Page 28
<p>1 Q All right. So, for a period of time, you</p> <p>2 worked under Sergeant Ronald Watts. Is that right?</p> <p>3 A That's correct.</p> <p>4 Q And you're familiar with the other officers</p> <p>5 who would've worked with him at the same time you were</p> <p>6 working under him?</p> <p>7 A That's correct.</p> <p>8 Q And so my question is, do you remember having</p> <p>9 conversations with any of the other officers who also</p> <p>10 worked under him since 2019?</p> <p>11 A Not that I recall, no.</p> <p>12 Q Okay. Got it. Have you ever talked to anyone</p> <p>13 from the FBI?</p> <p>14 A I have.</p> <p>15 Q Okay. How many times?</p> <p>16 A Once.</p> <p>17 Q Okay. And would that be Special Agent Jeffrey</p> <p>18 Tabarkis?</p> <p>19 A That's correct.</p> <p>20 Q And that was a conversation that occurred on</p> <p>21 October 4, 2021. Is that right?</p> <p>22 A Yes. On or about that day. Yes.</p> <p>23 Q Great. So, tell me, did – was it a cold</p> <p>24 call, or were you expecting his call?</p> <p>25 A A cold call, what do you – I don't know that</p>	Page 27	Page 29

<p>1 THE WITNESS: Okay.</p> <p>2 Q Yeah, and I should be clear. I am – I'm not</p> <p>3 asking you what advice you've gotten from your counsel.</p> <p>4 I'm only asking you if you have any reason you wouldn't</p> <p>5 want to speak with him.</p> <p>6 A No.</p> <p>7 Q Okay. So are you aware of any current</p> <p>8 investigations into police misconduct at the Ida B.</p> <p>9 Wells homes?</p> <p>10 A I'm not aware of any allegations.</p> <p>11 Q Okay. You're not – so other than the civil</p> <p>12 lawsuits that are pending, you're not aware of any law</p> <p>13 enforcement, active law enforcement inquiries into that</p> <p>14 misconduct – into misconduct that occurred under</p> <p>15 Sergeant Ronald Watts?</p> <p>16 MR. BAZAREK: Object to the form of the</p> <p>17 question. Assumes a fact not in evidence.</p> <p>18 MR. KOSOKO: This is counsel for Watts. We</p> <p>19 join the objection.</p> <p>20 BY MR. HILKE:</p> <p>21 Q You can answer.</p> <p>22 A Not that I'm aware of. No.</p> <p>23 Q Has the – have you ever been put on a do not</p> <p>24 call list by the Cook County State's Attorney's office?</p> <p>25 A I believe I am, but I've never been served</p>	Page 30	Page 32
<p>1 with anybody – that letter or anything.</p> <p>2 Q Okay. And when you say that letter, what are</p> <p>3 you referring to?</p> <p>4 A I saw a letter on the news, and it was a do</p> <p>5 not call list.</p> <p>6 Q Okay. And when did you first find out that</p> <p>7 you were not being called by the state's attorney's</p> <p>8 office?</p> <p>9 A I'm not 100 percent sure. I believe it was</p> <p>10 sometime in November of 2017, but I'm not 100 percent</p> <p>11 sure.</p> <p>12 Q Okay. And so am I correct that at some point,</p> <p>13 you were reassigned to desk duty or administrative duty?</p> <p>14 A I don't know if I was reassigned to desk duty</p> <p>15 or administrative duty. I know that's what I was doing,</p> <p>16 but I still have police powers.</p> <p>17 Q Sure. Approximately when did that change</p> <p>18 happen to start doing desk duty or administrative duty?</p> <p>19 A I believe it was in November of 2017.</p> <p>20 Q Okay. And is that – today, are those still</p> <p>21 your – is that still what you spend your time doing as</p> <p>22 a police officer?</p> <p>23 A Well, I'm not a police officer anymore. I'm a</p> <p>24 detective now.</p> <p>25 Q That's right.</p>	Page 31	Page 33

<p>1 A Yes.</p> <p>2 Q And how many times?</p> <p>3 A The State's Attorney's office?</p> <p>4 Q Yes.</p> <p>5 A I believe it was one time.</p> <p>6 Q Okay. And was that a conversation on -- in</p> <p>7 March of 2020?</p> <p>8 A I don't recall the date or the year of when I</p> <p>9 met with them.</p> <p>10 Q Okay. Do you remember who you spoke with?</p> <p>11 A Adduci. Nancy Adduci.</p> <p>12 Q Okay. And was anyone else present?</p> <p>13 A There was two investigators, I do believe,</p> <p>14 another state's attorney, and then two people from Hale</p> <p>15 and Monaco's office and then Robert Royal.</p> <p>16 Q And how long was that conversation?</p> <p>17 A I don't recall how long the conversation was.</p> <p>18 Q Okay. What do you remember discussing at that</p> <p>19 meeting?</p> <p>20 A I remember them discussing arrest procedures</p> <p>21 in the Ida B. Wells housing complex, my personal</p> <p>22 background, when I got promoted in the -- after I got</p> <p>23 promoted.</p> <p>24 Q Okay. What did they want to know about arrest</p> <p>25 procedures by the Ida B. Wells house homes?</p>	Page 34	Page 36
<p>1 A Of how things were -- how things were given,</p> <p>2 if I recall. I don't remember exactly. I would have to</p> <p>3 -- don't remember 100 percent.</p> <p>4 Q Oh, when you say how things were given, I</p> <p>5 guess I don't understand. Can you -- is -- can you</p> <p>6 clarify at all what you discussed about arrest</p> <p>7 procedures?</p> <p>8 A To the best of my -- I don't remember.</p> <p>9 Q Okay. Did they ask you anything about how</p> <p>10 arrest reports were prepared?</p> <p>11 A I believe so, yes.</p> <p>12 Q Okay. And do you remember anything beyond</p> <p>13 that?</p> <p>14 A Not that I recall.</p> <p>15 Q Okay. Now, did they also ask you about -- you</p> <p>16 said they asked you about your background, about -- what</p> <p>17 do you remember them asking about your background?</p> <p>18 A Like where I grew up and what I did before I</p> <p>19 got on the job.</p> <p>20 Q Did they ask you anything about your</p> <p>21 experience working as a tactical officer at the -- in</p> <p>22 the Second District?</p> <p>23 A Could you repeat that question?</p> <p>24 Q Sure. Did they ask you anything about your</p> <p>25 experience working as a tactical officer in the Second</p>	Page 35	Page 37

<p>1 I left that team, went to a different 264 housing team.  2 I know I went back to the watch for a little bit, and  3 then I went back to the tactical team. So, I was  4 assigned to the tactical office and then – and within  5 the Second District too as a patrol officer.  6 Q Okay. So – so in February 2020, right before  7 your promotion to detective, are you still assigned to  8 the 264 tactical team?  9 A I don't know. I – I don't know if I'm  10 assigned there or if I was in the academy at the time  11 for the detective class. I'm not 100 percent sure.  12 Q Okay. Or say before you were in the detective  13 class, before you started at the academy, what was your  14 – were you assigned to the 264 tactical team?  15 A Could you repeat that question, sir?  16 Q Sure. I'm, I mean I'm – yes. Before you  17 were assigned – before you started at the academy in  18 the detective class, immediately before that, what was  19 your assignment?  20 A I believe I was assigned at a 264 tactical  21 team.  22 Q Okay. And I believe you said before, is it  23 correct that you were not on the street, but inside in  24 terms of your responsibilities?  25 A Yes, that's correct.</p>	Page 38	<p>1 Office.  2 Q Okay. Have you held any other assignments as  3 a detective?  4 A Not that I'm aware – no.  5 Q Okay. And what work do you do in the Case  6 Management Office?  7 A The Case Management Office, there's jobs that  8 come in that filter out from the different districts,  9 and they get filter into our inbox or through our case  10 and it's – and we filter out the jobs and we assign  11 them to the detectives when they need to be. Otherwise,  12 we give them to the summary officers and then the  13 summary officers turns around and calls the victims, and  14 then they go from there. And we also close cases too,  15 for Case Management.  16 Q Okay. And are there any other major parts of  17 your responsibilities in the Case Management Office?  18 A I don't understand my question.  19 Q Sure. I guess, do you have any other  20 responsibilities at the Case Management Office?  21 A Like I said, I filter out jobs and I'm also  22 summary officer, a summary detective, I should say.  23 Q Okay. And what does a summary detective do?  24 A Summary detective calls victims on the police  25 report, and they advised the victim of how to get that</p>
<p>1 Q Okay. And in your work on the inside, what  2 were you – what were you doing?  3 A I don't recall everything I did inside. I  4 know I – administrative duties, administrative duties.  5 Q Okay. And can you give – can you tell me  6 what kinds of things those administrative duties  7 included?  8 A I know I entered traffic – traffic card,  9 cards. And then I don't recall what else I did  10 administrative duties. I know I did other things for  11 supervisors, if they needed something, but –  12 Q Yeah.  13 A – specifics, no, I don't know.  14 Q Okay. So, after being promoted to detective  15 – well, let me ask you. Have you had multiple  16 assignments since you became a detective?  17 A I don't understand multiple assignments.  18 Q Sure. So, you – so are you still assigned to  19 the 264 tactical team?  20 A Today?  21 Q Yeah.  22 A No.  23 Q Okay. Where are you assigned today?  24 A I'm at Area Four. That's at 3150 West  25 Flomoy, and I'm assigned to the Case Management</p>	Page 39	<p>1 person arrested or get a summons or if they want to  2 pursue the cases that they file. And we advise them how  3 to get that person arrested or get a civil no contact  4 order. We advise them to go – go get that and see if  5 they want to pursue the charges or not.  6 Q Okay. Do your current responsibilities  7 include investigating cases in any way?  8 MR. BAZAREK: I'm going to object to the form  9 of the question. That's my objection, and object  10 further to foundation.  11 Q Is that –  12 A Could you explain on investigating?  13 Q Sure. Do your current responsibilities  14 include gathering information related to criminal cases?  15 A Well, sure, because that's when the victim  16 tells us of what happens during the case. And when I  17 read it, yes, that's gathering information, when –  18 Q Okay. So –  19 A I read the case and then I go from there. So  20 yes, that would be gathering information about the case.  21 Q Okay. So, you call victims, you speak to  22 them, you take notes on what they tell you? That is  23 part of and – full stop.  24 A I don't take notes when I talk to the victims.  25 Q Okay. And so, do you record any information</p>

<p>1 about what the victims tell you?</p> <p>2 A I do. Sometimes I write a progress report or</p> <p>3 a – a suspended case report or some other type of case</p> <p>4 report. I do, I – yes, I have written reports.</p> <p>5 Q Okay. And has the – are you aware of any</p> <p>6 restrictions that the Chicago Police Department has</p> <p>7 placed on you?</p> <p>8 A That the police department put restrictions on</p> <p>9 me?</p> <p>10 Q Correct.</p> <p>11 A Not that I'm aware of? No.</p> <p>12 Q Okay. Okay. I want to talk about Leonard</p> <p>13 Gipson. Do you know a Leonard Gipson?</p> <p>14 A The name sounds familiar that's –</p> <p>15 Q Okay. Do you remember anything specific about</p> <p>16 him? Do you have an independent recollection of</p> <p>17 anything about him?</p> <p>18 A I know he was a drug dealer in Ida B. Wells</p> <p>19 housing complex.</p> <p>20 Q Okay. Did you remember interacting with him?</p> <p>21 A Not – the best of my knowledge, no.</p> <p>22 Q Okay. Would it refresh your recollection to</p> <p>23 look at the – at documents, like an arrest report or</p> <p>24 vice case report, involving him?</p> <p>25 A Yes, that would help me recollect it. Yes.</p>	Page 42	Page 44
<p>1 Q Okay. I – I'd like to pull your attention to</p> <p>2 Exhibit 2. That is a vice case report. It's on – and</p> <p>3 I'm going to say the Bates number is Copa Watts 045445.</p> <p>4 And can I ask you to take a moment and review this</p> <p>5 document, please? Do you have it in front of you?</p> <p>6 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>7 A Yes, I believe at I have it. My – I know my</p> <p>8 numbers are cut out. I have 045, but then I have a</p> <p>9 black dot.</p> <p>10 Q It's – yeah, it's – well, it's a two-page</p> <p>11 document.</p> <p>12 A Yes, I have it right in front of me.</p> <p>13 Q Great. Now, can you tell –</p> <p>14 A Excuse me.</p> <p>15 Q Bless you. Can you tell from this report</p> <p>16 where – now, does this report indicate that an arrest</p> <p>17 took place?</p> <p>18 MR. BAZAREK: Read the whole thing. Take your</p> <p>19 time.</p> <p>20 A Yes, it does.</p> <p>21 Q Okay. And can you tell from the report where</p> <p>22 the arrest took place?</p> <p>23 A Yes, sir.</p> <p>24 Q And where did it take place?</p> <p>25 A 527 East Browning.</p>	Page 43	Page 45

<p>1 report?</p> <p>2 MR. BAZAREK: Object to the form of the</p> <p>3 question, foundation.</p> <p>4 A Could you repeat that question?</p> <p>5 Q Yes. In your experience, when a report refers</p> <p>6 to arresting officers, are those the same officers who</p> <p>7 signed the report?</p> <p>8 MR. BAZAREK: Same objection.</p> <p>9 A Not necessarily. An assisting officer could</p> <p>10 us, could've signed my – could've signed an officer's</p> <p>11 name.</p> <p>12 Q Okay. So, here it says that the arresting</p> <p>13 officers entered the rear door of the above building and</p> <p>14 observed above offender standing in the lobby area</p> <p>15 holding a clear plastic bag containing numerous bags,</p> <p>16 suspect narcotics. Do you have an independent</p> <p>17 recollection of that?</p> <p>18 A No.</p> <p>19 Q Okay. It go – it continues that the above</p> <p>20 offender looked in the arresting officers' direction and</p> <p>21 placed that bag into his waistband area. Do you have an</p> <p>22 independent recollection of that?</p> <p>23 A No.</p> <p>24 Q Okay. It says that police officer D. Nichols</p> <p>25 immediately recovered the bag and placed the above</p>	Page 46	Page 48
<p>1 offender into custody. Do you have an independent</p> <p>2 recollection of that?</p> <p>3 A Not – not independent recollection, no.</p> <p>4 Q Okay. Do you have any idea what it means when</p> <p>5 it says that you immediately recovered said bag?</p> <p>6 A By reading this, immediately would be</p> <p>7 immediately, right after I saw it happen. Immediately.</p> <p>8 Q Okay. So, does that mean you would've taken</p> <p>9 bag from his waistband before you did anything else?</p> <p>10 A By reading this report, I would assume yes.</p> <p>11 But like I said, I don't have any independent</p> <p>12 recollection, but by reading this, yes.</p> <p>13 Q Okay. And so, did you often see people – so</p> <p>14 – and do you have any independent recollection of how</p> <p>15 Mr. Gipson was holding the bag of drugs?</p> <p>16 A I don't know how he was holding it, but with</p> <p>17 this report, you could see the bag and then see the</p> <p>18 suspect narcotics inside the bag. But the way he was</p> <p>19 holding it, how you worded it? No. I don't – no.</p> <p>20 Q And so, was it common to come across people in</p> <p>21 the Ida B. Wells homes who are just holding bags of</p> <p>22 drugs in their hands?</p> <p>23 A Was it common for – for – for – I would say</p> <p>24 the drug dealers, yes.</p> <p>25 Q Okay. And so, it – okay. Okay. And do you</p>	Page 47	Page 49

<p>1 Detective Nichols, have you ever lied under oath?</p> <p>2 A No, I have not.</p> <p>3 Q And have you ever given testimony under oath</p> <p>4 that you later realized was false?</p> <p>5 A What's that question? I'm sorry.</p> <p>6 Q Have you ever given testimony under oath that</p> <p>7 you later realized was false?</p> <p>8 A No, sir. Not--no.</p> <p>9 Q Okay. So, I next want to talk about Cerise</p> <p>10 Johnson. Do you know a Cerise Johnson?</p> <p>11 A No, I don't.</p> <p>12 Q Okay. Do you remember someone from the Ida B.</p> <p>13 Wells homes with a nickname of Ricky?</p> <p>14 A Best of my knowledge, no. No, I don't.</p> <p>15 Q Okay. Would it refresh your recollection to</p> <p>16 look at an arrest report involving Cerise Johnson?</p> <p>17 A It would help, yes.</p> <p>18 Q Okay. I am going to turn your attention</p> <p>19 please to Exhibit 5. This is a document beginning Bates</p> <p>20 number 052839. And let's see. Okay. And could you</p> <p>21 please take a moment to review the document?</p> <p>22 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>23 A Okay, sir.</p> <p>24 Q Okay. Now, can you tell from this document</p> <p>25 where the arrest took place?</p>	Page 50	Page 52
<p>1 A At 574 East 36th Street.</p> <p>2 Q Okay. And is that a building within the Ida</p> <p>3 B. Wells homes?</p> <p>4 A It is.</p> <p>5 Q Okay. And can you tell specifically within</p> <p>6 the building where the arrest took place?</p> <p>7 A That's correct.</p> <p>8 Q I'm sorry. Where within the building did the</p> <p>9 arrest take place?</p> <p>10 A On the third floor landing.</p> <p>11 Q Third floor landing. Okay. Okay. And can</p> <p>12 you tell from this report what role you played in the</p> <p>13 arrest?</p> <p>14 A It does not show what a role I had.</p> <p>15 Q Okay. And is it correct that you're not</p> <p>16 listed as the first or the second arresting officer, but</p> <p>17 instead as an assisting arresting officer?</p> <p>18 A Excuse me?</p> <p>19 Q Is it correct that you're listed as an</p> <p>20 assisting arresting, assisting arresting officer?</p> <p>21 A Yes, it has me down as assisting arresting</p> <p>22 officer.</p> <p>23 Q Okay. And what does that mean that you were</p> <p>24 an assisting arresting officer?</p> <p>25 A Assisting arresting officers could mean</p>	Page 51	Page 53

<p>1 something always being the case and being more likely to  2 be the case?</p> <p>3 MR. BAZAREK: Object to the form of the  4 question. It's also argumentative.</p> <p>5 A I would answer this – I would answer the same  6 way, sir. It doesn't always have to be same way for  7 every case.</p> <p>8 Q Right. But you understand that I'm not asking  9 always. I'm asking is it more likely?</p> <p>10 MR. BAZAREK: Object to the form of the  11 question, foundation.</p> <p>12 A I don't know. I – I don't know. I would say  13 that the – it doesn't always have to be like that.</p> <p>14 Q Do you understand that I'm – what I'm asking  15 right now is making sure that you understand –  16 understood my question.</p> <p>17 A I can't answer if there's always that certain  18 way of how, how it's – how they are. I don't know. I  19 – I don't know. It – it doesn't always have to be the  20 first, first one who arrives on scene that they're  21 always box one and box two, the first arresting officer.</p> <p>22 Q So would you say that if you see someone  23 listed as first arresting or second arresting, that  24 doesn't mean anything to you? You can't make any  25 inference from that?</p>	Page 54	Page 56
<p>1 A When I see box one and box two, those are the  2 ones who are preparing the report, and they get called  3 to go to court.</p> <p>4 Q Okay. Okay. Can you tell anything else about  5 them?</p> <p>6 A The best of my knowledge, no. No.</p> <p>7 Q Okay. And so, I guess just one more time, do  8 you have any independent recollection of the arrest  9 that's described in this report?</p> <p>10 A Not to my recollection, no.</p> <p>11 Q Okay. So, I want to move now to Exhibit 7.  12 This is another arrest report, starting Bates stamp City  13 BG 52846. Can you let me know when you have that  14 document in front of you?</p> <p>15 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. Can you please review that report and  18 let me know when you're done?</p> <p>19 A Okay.</p> <p>20 Q Okay. Can you tell from this report where the  21 arrest took place?</p> <p>22 A 575 East Browning.</p> <p>23 Q Okay. And does it say – and this says that  24 the arrest occurred in the third floor hallway of that  25 building. Is that correct?</p>	Page 55	Page 57

<p>1 recollection contradicting what's in paragraphs 11 to 16  2 of that affidavit?  3 A Not any independent recollection, no, like I  4 said before, but I know it's a complete lie and it's a  5 complete false statement.  6 Q Okay. So, have you ever told someone that  7 they would lose their apartment if drugs were found in  8 their apartment?  9 A No. Not – no.  10 Q Have you ever heard another officer make a  11 statement to that effect?  12 A No. Not – no. Not that I recall, no.  13 Q Have you ever offered not to arrest someone if  14 they could help you find drugs?  15 A No, sir.  16 Q Okay. Have you ever offered not to arrest  17 someone if they could help you find guns?  18 A No, sir.  19 Q And have you ever heard another officer offer  20 not to arrest someone if they would help find drugs?  21 A No.  22 Q Okay. And same question, have you ever heard  23 another officer offer not to arrest someone if they  24 would help find guns?  25 A No, sir. No.</p>	Page 58	Page 60
<p>1 Q Okay. And do you understand what I mean when  2 I say offer not to arrest someone?  3 A I would assume – I would – well, we found  4 them guilty of a crime, that I would let them go if they  5 gave me a gun, or another officer a gun.  6 Q Okay. Good. And –  7 MR. BAZAREK: Can we take a break? Let's take  8 about a ten-minute break.  9 MR. HILKE: Yes.  10 MR. BAZAREK: Okay.  11 COURT REPORTER: The time is 11:17 a.m. We're  12 going off the record.  13 (OFF THE RECORD)  14 COURT REPORTER: Okay. We are back on the  15 record for the deposition of Douglas Nichols, being  16 conducted by video conference. My name is Jesse  17 Harp. Today is the 18th day of April, and the  18 current time is 11:28 a.m.  19 BY MR. HILKE:  20 Q Okay. Detective Nichols, I'd actually like to  21 put your attention back to Exhibit 5 for a minute.  22 That's the arrest report starting at – sorry. The  23 Bates number escaped me for a minute here. At City BG  24 52839. I'd just like you to look at the photo in the  25 upper right of that arrest report. Can you tell me when</p>	Page 59	Page 61

<p>1 (EXHIBIT 11A MARKED FOR IDENTIFICATION)</p> <p>2 A I'm looking at the vice case. What is it? PL</p> <p>3 what? Joint what?</p> <p>4 Q Joint 030342.</p> <p>5 A Yeah, so I'm looking at that right now.</p> <p>6 Q Okay. Got it. And can I ask that you take a</p> <p>7 moment to review this document and let me know when</p> <p>8 you've done so?</p> <p>9 A Yes, sir.</p> <p>10 MR. BAZAREK: It's also a two-page document,</p> <p>11 that the second page ends in 43.</p> <p>12 MR. HILKE: Yes, that's correct. Thank you.</p> <p>13 A Okay, sir.</p> <p>14 BY MR. HILKE:</p> <p>15 Q Okay. And is your name listed as a reporting</p> <p>16 officer at the bottom of the first page?</p> <p>17 A It does.</p> <p>18 Q And does that mean that you would attest to</p> <p>19 the truth of what's written in here?</p> <p>20 A It does.</p> <p>21 Q Okay. And does this -- and this report gives</p> <p>22 the location as 559 East Browning. Is that correct?</p> <p>23 A That's correct.</p> <p>24 Q Okay. And is -- okay. And turning to the</p> <p>25 second page, it says that as the AOs, arresting</p>	Page 62	Page 64
<p>1 officers, approached the offender and announced their</p> <p>2 office, the offender reached into his front pants area</p> <p>3 and discarded to the ground a torn Newport cigarette box</p> <p>4 containing Ziploc baggies. Is that correct?</p> <p>5 A Yes. That's what the report reads. Correct.</p> <p>6 Q Okay. And in your experience, is that the</p> <p>7 only time you've approached someone for them to discard</p> <p>8 narcotics when you approach them?</p> <p>9 MR. BAZAREK: Object to the form of the</p> <p>10 question. Vague, ambiguous, compound, foundation.</p> <p>11 A Could you repeat that question?</p> <p>12 Q Sure. So, what this report says is, as you</p> <p>13 and other officers approached, Mr. Lewis threw a Newport</p> <p>14 cigarette box with drugs in it -- dropped a Newport</p> <p>15 cigarette box with drugs in it to the ground. Is that</p> <p>16 correct?</p> <p>17 A That's correct.</p> <p>18 Q Okay. And do you find it odd that someone</p> <p>19 would produce and discard drugs when they see a police</p> <p>20 officer approaching them?</p> <p>21 A I wouldn't say it's odd, no.</p> <p>22 MS. DOI: Object to form.</p> <p>23 Q Sorry. Can you please give your answer again?</p> <p>24 A I wouldn't say it's odd, no.</p> <p>25 Q Okay. Why not?</p>	Page 63	Page 65

<p>1 this document, DO Joint 33251. Do you see here that this  2 is your testimony that you saw Mr. Lewis reach into his  3 front pocket and discard a torn Newport cigarette box,  4 and then several baggies filled with white powder  5 substance fell to the ground? Is that – do you have any  6 – do you have any independent recollection of that?  7 A No, sir.  8 Q Okay. And it says that you picked up the  9 Newport box, and then Mr. Lewis fled the scene. Do you  10 have any independent recollection of that?  11 A No, sir.  12 Q Okay. I think I – I could keep going through  13 this, but let me just ask – well, I'm sorry. Let me  14 just do one more thing here. Okay. And so, this says  15 that you were in – says that you were in a constant  16 communication and contact with your partners. Do you  17 have any independent recollection of that portion of the  18 arrest of your communication with your partners?  19 A No, sir.  20 Q Okay. Am I'm correct in saying you don't have  21 any independent recollection at all of any of these  22 events?  23 A No, I don't have any independent recollection.  24 Q Okay. Thank you. All right. I would next  25 – I'm next going to turn – and I'm going to stop</p>	Page 66	Page 68
<p>1 sharing this now. I'm going to turn to Exhibit 12,  2 which is an affidavit of Mr. Lewis, and I'm going to ask  3 you to review paragraphs 11 to 14 of that affidavit.  4 So, if you could – and this is at PL Joint 30332, so if  5 you could review paragraphs 11 to 14 and let me know  6 when you have.  7 (EXHIBIT 12 MARKED FOR IDENTIFICATION)  8 A 11 to 14, sir?  9 Q Yes, please.  10 MR. BAZAREK: Counsel, what's this exhibit  11 number again, for the affidavit?  12 MR. HILKE: This should be Exhibit Number 12.  13 MR. BAZAREK: Thank you.  14 A Okay, sir.  15 BY MR. HILKE:  16 Q Okay. Do you have any independent  17 recollection to dispute any of the paragraphs 11 to 14?  18 A Not independent recollection, but looking at  19 my – the case reports, that's it. That's what I  20 dispute.  21 Q Okay.  22 A And I know this is false because he's a drug  23 dealer, and this is a false statement.  24 Q Okay. And have you ever beaten anybody?  25 A Could you repeat that question?</p>	Page 67	Page 69

<p>1 Q Okay. And do you have any independent 2 recollection of this arrest? 3 A I don't recall. 4 Q Okay. Okay. I'm now going to turn your 5 attention to Mr. White's affidavit. This is Exhibit 15 6 at PL Joint 50539, and I'm going to ask that you review 7 paragraphs three through 13, please, and let me know 8 when you're done. Detective Nichols, I apologize. If 9 you could look at paragraphs one through 13, that's what 10 I'd like you to review. 11 (EXHIBIT 15 MARKED FOR IDENTIFICATION) 12 A One to 13? 13 Q Yes, please. 14 A Okay, sir. 15 Q Okay. Do you know who Kimberly Collins is? 16 A Kimberly Collins, I don't. 17 Q Okay. Have you ever been inside apartment 507 18 at 575 East Browning? 19 A To the best of my recollection, I don't 20 recall. I don't know. 21 Q Okay. And do you have any independent 22 recollection to dispute any of what you've just read in 23 the affidavit? 24 A Well, I know it's a completely false 25 statement. I know he is a drug dealer. I know he is a</p>	Page 70	Page 72
<p>1 complete liar, and I don't know what happened to this 2 case. Did your client plead guilty or what was that 3 outcome? Do you know? 4 Q So just as a matter of form in the 5 depositions, it's sort of a one way street, as far as 6 the questions go. But so, my question is in disputing 7 that what's written here is true, are you relying at all 8 on an independent memory you have? 9 A Excuse me, sir. I'm sorry. 10 Q Oh yeah. 11 A I didn't know you were – I thought you were 12 going on with your question. 13 Q I understand. Do you have any independent 14 memory that contradicts what you've read here in this 15 affidavit? 16 A Not independent recollection, no. 17 Q Okay. So, then you're relying entirely on 18 what you've read in other documents as a reason why you 19 would dispute what's written here. 20 A That's correct. Other than the client said 21 that he moved in the apartment in early spring, winter, 22 and then he was at home. And when we arrested him 23 because he said he moved in the winter of early spring 24 of 2006. We arrested him in April of 2006. So, was he 25 living there then?</p>	Page 71	Page 73

<p>1 A Not described in this narrative, in this  2 arrest report, no.</p> <p>3 Q Okay. Let me go ahead down to page three now.  4 I'd like to point your attention to the first and second  5 arresting officers on page three. I just want to ask am  6 I correct that you're listed as the second arresting  7 officer to this incident?</p> <p>8 A That's correct. Second arresting officer,  9 yes.</p> <p>10 Q Okay. So, I'd like to now point you to  11 Exhibit 18, which is the vice case report Bates City BG  12 052278. Do you have that in front of you?</p> <p>13 (EXHIBIT 18 MARKED FOR IDENTIFICATION)</p> <p>14 A Yes. It's two pages.</p> <p>15 Q Two pages.</p> <p>16 A Yes. I have the vice case report.</p> <p>17 Q Okay. And that's your name and signature at  18 the bottom of the report.</p> <p>19 A That's my name, but that's not my signature.</p> <p>20 Q Okay. Who's – and so where it says Nichols,  21 that's not you who signed it Nichols?</p> <p>22 A No, sir.</p> <p>23 Q Okay. Do you know whose signature it is?</p> <p>24 A I don't know.</p> <p>25 Q Okay. Is this the only time someone else has</p>	Page 74	Page 76
<p>1 signed your name to a vice case report?</p> <p>2 A You're saying is this the only particular time  3 that someone signed my name?</p> <p>4 Q That's right.</p> <p>5 A I would assume not. I think there's probably  6 been other times that another officer has signed my name  7 to a case report.</p> <p>8 Q Okay. And why would another officer sign your  9 name to a vice case report?</p> <p>10 A Maybe they were the one who was preparing it,  11 but I gave them always permission to sign my name after  12 I read the context of the arrest report or the case  13 report. And I gave them permission to sign my name.</p> <p>14 Q Okay. So, would you give another – have you  15 ever given an officer permission to sign your name  16 without reviewing the document first?</p> <p>17 A No. I would review the document first before  18 I give permission to sign my name to the document.</p> <p>19 Q Okay. Okay. So, the fact that you weren't  20 the one that signed it, that doesn't mean you reviewed  21 this document any less carefully.</p> <p>22 MR. BAZAREK: Object to the form of the  23 question, foundation.</p> <p>24 A Could you repeat that question?</p> <p>25 Q Sure. So even though you didn't sign this</p>	Page 75	Page 77

<p>1 A No, sir.</p> <p>2 Q Okay. And as you reviewed the document, did</p> <p>3 you read anything that you believed to be incorrect?</p> <p>4 A When I read the documents, no. No, I did not.</p> <p>5 Everything was all truthful.</p> <p>6 Q Okay. Sorry. Give me one moment please.</p> <p>7 A No problem, sir.</p> <p>8 Q Okay. So, let me ask, do you have an Exhibit</p> <p>9 20 in front of you? This would be a trial transcript DO</p> <p>10 Joint 30993.</p> <p>11 A Let me go – yes. 03993?</p> <p>12 Q That's correct.</p> <p>13 A Yes, sir.</p> <p>14 Q Great. So, you'll see from the first page of</p> <p>15 this document, that this is a report of proceedings in</p> <p>16 People v. Mr. Pearson and Sandra Cartwright. I'd like</p> <p>17 to turn your attention to page 13 of this document,</p> <p>18 which is also DO Joint 31005. And I guess I'm –</p> <p>19 MR. BAZAREK: I'm sorry, what's the exhibit</p> <p>20 number again to this one?</p> <p>21 MR. HILKE: This is exhibit number 20. 2-0.</p> <p>22 MR. BAZAREK: Thank you.</p> <p>23 MR. HILKE: Yep.</p> <p>24 (EXHIBIT 20 MARKED FOR IDENTIFICATION)</p> <p>25 A You said page 13, sir?</p>	Page 78	Page 80
<p>1 BY MR. HILKE:</p> <p>2 Q Yes, please.</p> <p>3 A Okay.</p> <p>4 Q Okay. Oh, shoot. You know, let's go up to</p> <p>5 page – let's go up one page, please. Let's go to page</p> <p>6 12. So, this is a stipulation about what your testimony</p> <p>7 would've been at trial. It says that you entered the</p> <p>8 premises at 574 East 50 – it says 56th Street. I</p> <p>9 assume it's meant to say 36th Street. And that when you</p> <p>10 went there, you went up the stairs and went on to the</p> <p>11 second floor. Do you have any independent recollection</p> <p>12 of that?</p> <p>13 A No, sir.</p> <p>14 Q And do you have any reason that is incorrect?</p> <p>15 A Other than the address, no, sir.</p> <p>16 Q Okay. And it goes on to say that you saw</p> <p>17 Sandra Cartwright open the door and accept two bags from</p> <p>18 Defendant Pearson. Do you have any recollection –</p> <p>19 MR. BAZAREK: Wait, wait, wait, wait, wait. I</p> <p>20 want to have – I have an objection here. This is</p> <p>21 page 12 of –</p> <p>22 MR. HILKE: Yeah.</p> <p>23 MR. BAZAREK: – Exhibit 20?</p> <p>24 MR. HILKE: Yeah.</p> <p>25 MR. BAZAREK: And it's referencing what Jones</p>	Page 79	Page 81

<p>1 someone put something on me, I would report it. And I  2 think this is a false statement and inaccurate  3 statement.  4 Q Okay. Do you have any independent  5 recollection that contradicts what's written here?  6 A Other than my reports, no.  7 Q Great. I'm going to move on. Do you know a  8 Gregory Warren?  9 A Not the best of my recollection, no. No, sir.  10 Q Okay. Would it refresh your recollection to  11 look at an arrest report?  12 A It might help, yes.  13 Q Okay. I'm going to call your attention to  14 Exhibit 22, please. That's Bates City BG 52440.  15 (EXHIBIT 22 MARKED FOR IDENTIFICATION)  16 A Okay, I got the arrest report, yes.  17 Q Great. Starting with the – do you see a  18 photo in the upper right of that document?  19 A I do.  20 Q Do you recognize that person?  21 A I don't.  22 Q Okay. And looking at this report, is it  23 correct that the location given is 559 East Browning  24 Avenue?  25 A Location arrest was 555 – sorry. Strike </p>	Page 82	Page 84
<p>1 that. 559 East Browning.  2 Q Okay. And that's a building in the Ida B.  3 Wells homes?  4 A That's correct.  5 Q Okay. Let's go to the second page of this  6 document please. And could you please review the  7 incident narratives here?  8 A Yes, sir.  9 Q Okay. Do you have any independent  10 recollection of what's written here?  11 A I don't, sir.  12 Q Okay. Going on to the third page, this lists  13 you as the attesting officer, is that correct?  14 A Yes, it does.  15 Q Okay. And that means that you have – would  16 swear to the truth of what's written in your report. Is  17 that right?  18 A Attesting officer, that means I could have  19 logged in and wrote the report. Someone else could. I  20 could have left my credentials on at that time. And  21 someone wrote the report under my credentials. There's  22 numerous things that could have happened here. That  23 might be the reason I'm being the attesting officer.  24 Q Okay.  25 MR. BAZAREK: You know, before we do another </p>	Page 83	Page 85

<p>1 BY MR. HILKE:</p> <p>2 Q Okay. Thank you. Could you please review the</p> <p>3 document and let me know when you're finished?</p> <p>4 A Yes, sir. Okay, sir.</p> <p>5 Q Do you have an independent recollection of the</p> <p>6 arrest of Gregory Warren?</p> <p>7 A Not an independent, no I don't.</p> <p>8 Q Okay. And so do you have an independent</p> <p>9 recollection that contradicts anything contained in his</p> <p>10 affidavit?</p> <p>11 A My independent recollection would have not</p> <p>12 been from my reports, and what his affidavit says, I</p> <p>13 don't have an independent recollection, but I know this</p> <p>14 guy's a drug dealer, he's lying, and I would never</p> <p>15 falsely arrest anyone, and I've never seen an officer,</p> <p>16 in his affidavit, put narcotics in a drawer and then</p> <p>17 recover – getting the narcotics out of the drawer. I</p> <p>18 know that's completely false.</p> <p>19 Q Okay. Did you ever see officers eat Popeyes</p> <p>20 chicken while completing arrest paperwork?</p> <p>21 A We – not that I recall, no.</p> <p>22 Q Okay. Great, that's all I have on Gregory</p> <p>23 Warren. Do you recall an Isaac Weekly?</p> <p>24 A No I don't, sir.</p> <p>25 Q Okay. Would it refresh your recollection to</p>	Page 86	Page 88
<p>1 look at an arrest report?</p> <p>2 A Yes sir.</p> <p>3 Q Let's go to Exhibit 27, please. This is City</p> <p>4 BG 52493.</p> <p>5 (EXHIBIT 27 MARKED FOR IDENTIFICATION)</p> <p>6 A Yes sir.</p> <p>7 Q Okay. So starting in the upper right, do you</p> <p>8 see a photograph?</p> <p>9 A I do, sir.</p> <p>10 Q Do you recognize the person in that</p> <p>11 photograph?</p> <p>12 A I don't.</p> <p>13 Q And it says here that this is an arrest at</p> <p>14 575 East Browning Avenue; is that correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. So, I'll ask you to go to page two and</p> <p>17 look at the instant narrative. If you'd please review</p> <p>18 that and let me know when you're done.</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. Do you know what a Big Puncture tire</p> <p>21 can is?</p> <p>22 A Are we referring to what's in the report, or</p> <p>23 are you asking me what a big tire puncture can is?</p> <p>24 Q Let's start with the report. This report says</p> <p>25 that AO observed the above subject on the first floor,</p>	Page 87	Page 89

<p>1 you know, seven or eight officers all coming in at once?</p> <p>2 A Have we ever in our career?</p> <p>3 Q Yeah. Yeah.</p> <p>4 A I don't recall a situation but no – I – yes,</p> <p>5 there's other times we entered a building. I don't know</p> <p>6 if we all entered the same location at once, at the same</p> <p>7 time, or the same entrance way. I don't recall. I</p> <p>8 don't remember, but we went down to the Ida B. Wells</p> <p>9 housing complex numerous times and entered numerous</p> <p>10 occasions and different ways.</p> <p>11 Q And when you say in different ways, do you</p> <p>12 mean with different numbers of officers entering at</p> <p>13 once?</p> <p>14 A That could be fair to say, yes.</p> <p>15 Q Okay. Okay. Do you have any independent</p> <p>16 recollection of the arrest of Isaac Weekly?</p> <p>17 A Not independent recollection, no.</p> <p>18 Q Okay. Okay. I'm going to move on. Let's go</p> <p>19 ahead to – actually I'm sorry, just quickly, I want to</p> <p>20 show you Exhibit 29. That's City BG 52506. It's two</p> <p>21 pages, it's two pages of mugshots.</p> <p>22 (EXHIBIT 29 MARKED FOR IDENTIFICATION)</p> <p>23 A Yes, sir.</p> <p>24 Q Do you see the photos on the two pages here?</p> <p>25 A I do, sir.</p>	Page 90	Page 92
<p>1 Q Do you recognize the person in these photos?</p> <p>2 A I don't, sir.</p> <p>3 Q Okay. Thank you. Let's move to Exhibit 30.</p> <p>4 Do you know a Cordero – wait, what do I have here?</p> <p>5 There we go. Do you know a Martez Wise?</p> <p>6 (EXHIBIT 30 MARKED FOR IDENTIFICATION)</p> <p>7 A No, not to the best of my recollection, no.</p> <p>8 Q Okay. Would it refresh your recollection to</p> <p>9 look at an arrest report?</p> <p>10 A Yes, it would.</p> <p>11 Q Okay. Let's look at Exhibit 30. This is</p> <p>12 Bates City BG 52656. Do you have that in front of you?</p> <p>13 A I do, sir.</p> <p>14 Q Okay. Do you see the photo in the upper right</p> <p>15 corner?</p> <p>16 A I do.</p> <p>17 Q Do you recognize who that is?</p> <p>18 A No, not that I recall, no.</p> <p>19 Q Okay. And then this is an arrest at</p> <p>20 3823 South Vernon Avenue; is that correct?</p> <p>21 A 3823 South Vernon, that's correct.</p> <p>22 Q And is that an address in the Ida B. Wells</p> <p>23 homes?</p> <p>24 A Yes, it is.</p> <p>25 Q Okay. Let's go down to page two. Would you</p>	Page 91	Page 93

<p>1 first a Deon Willis, and then a Martez Wise. Is that  2 correct?  3 A That's correct.  4 Q Okay. And then there is a narrative  5 description of this at the bottom of page three; is that  6 correct?  7 A That's correct.  8 Q Okay. And would you go ahead and review that  9 please, the narrative section at the bottom, and let me  10 know when you're done?  11 A Yes, sir. Yes, sir.  12 Q Okay. Can you tell from this narrative – if  13 there are references to officer number one and officer  14 number two, can you tell who those are?  15 A Could you repeat that question, sir?  16 Q Sure. In that narrative I see, you know,  17 "Off. Number one, Off Number two," described. Can you  18 tell who those are?  19 A That's – I would recollect off. One would be  20 Deon Lewis, Off two would be Martez Wise.  21 Q Oh that's funny, of course, because it's  22 offender, not officer. Is that right?  23 A That's correct.  24 Q Oh, okay then. So, it also lists the R/O. Can  25 you tell from this report who the R/Os are?</p>	Page 94	<p>1 Q Was there an officer working at Ida B. Wells,  2 known by the nickname of Doug?  3 A I don't – I don't know. My name's Doug, I  4 don't know – my name's Doug, so –  5 Q Did any of the residents there ever call you  6 Doug?  7 A Sure, they called me by my first names a  8 couple times, yes.  9 Q Okay. What about the nickname China Man? Does  10 that mean anything to you?  11 A I heard the name China Man before, yes.  12 Q And who did that refer to?  13 A My partner at the time, Officer Leano.  14 Q Okay. Thank you. Looking at paragraph eight  15 of Wise's affidavit, he says that on the arrest on  16 August 7, 2008, that several officers were present,  17 including – he says Officer Watts, Jones, Mohammed,  18 Nichols, Gonzalez, quote, "Doug," quote, "China Man." Do  19 you have any reason to believe that all of those  20 officers were not present at his arrest?  21 A I don't recall the arrest, but I would have to  22 view other documents to see who was there at their  23 arrest.  24 Q Okay. I'm going to ask you to turn back to  25 Exhibit 32, please, to City BG 52650.</p>	Page 96
<p>1 A Looking at this report, I would assume Officer  2 Jones and myself.  3 Q Okay. And do you recall – it says here that  4 R/O had offender number two – I'm sorry. It says that  5 "R/O then conducted a protective pat down of offender  6 number two and felt a large bulge in his left front  7 pants pocket, similar to that of narcotics." Do you  8 recall whether it was you or Officer Jones who conducted  9 the pat down?  10 A I don't.  11 Q And is there any way to tell, looking at this  12 report?  13 A By looking at this report, no it does not.  14 Q Okay. And do you have any independent  15 recollection of this arrest?  16 A Of this arrest, no.  17 Q Okay. So, I'm going to turn now to  18 Exhibit 33, the affidavit of Martez Wise. That's at  19 PL Joint 051060.  20 (EXHIBIT 33 MARKED FOR IDENTIFICATION)  21 A Okay.  22 Q Okay. It's two pages, paragraphs one through  23 14. Could I ask you to please review the report and the  24 affidavit, and tell me when you're done?  25 A Yes, sir. Okay, sir.</p>	Page 95	<p>1 A Yes, sir.  2 Q And I'll ask if that refreshes your  3 recollection. Take as long as you need with it.  4 A Yes, sir.  5 Q Okay. So, having reviewed that, do you have  6 any reason to believe that Watts, Jones, Mohammed,  7 Nichols, Gonzalez, and China Man, and others were not  8 present?  9 A Not to the best of my knowledge, yes they were  10 – looking at the report and looking at this, yes, they  11 were probably all there, yes.  12 Q Okay. Thank you. And do you have any  13 independent recollection of the – of this arrest, that  14 would contradict what's written in the affidavit?  15 A Could you repeat that question?  16 Q Yeah, do you have any – any independent  17 recollection of Mr. Wise's arrest that would contradict  18 what he wrote in his affidavit?  19 A Yes, by looking at my reports, I would never  20 falsely arrest anyone, and it's truthful what I wrote  21 down on the reports, and I know this – this is a false  22 statement because I never seen a team member falsely  23 arrest anyone and do anything that wasn't truthful. And  24 then he – then he pled guilty to this case, and never  25 filed an OPS statement.</p>	Page 97

<p>1 Q And so you've – let me ask this. You've  2 reviewed what you've written, and you don't remember  3 something like this happening, right? You don't  4 remember it happening the way Mr. Wise said it happened?  5 A By looking at my reports, I would say that was  6 a false statement in his affidavit, that's correct.  7 Q But are you basing that in any ways on a  8 actual memory you have of the arrest?  9 A I don't have any actual memory of the arrest  10 but looking at my arrest reports and my case reports, I  11 know this is a false statement.  12 Q Okay. I'm going to change to someone else.  13 Do you remember a Codero Payne?  14 A I don't remember, no.  15 Q Okay. Would it refresh your recollection to  16 look at an arrest report?  17 A Yes.  18 Q Okay. I'm going to point you to Exhibit 35.  19 This is a document beginning DO Joint 28850.  20 (EXHIBIT 35 MARKED FOR IDENTIFICATION)  21 A Yes, sir.  22 Q Okay. Do you see the photo in the upper  23 right-hand corner of that document?  24 A I do.  25 Q Do you recognize the person in that photo?</p>	Page 98	Page 100
<p>1 A I don't.  2 Q Okay. And do you have an independent  3 recollection of an arrest of Codero Payne in December of  4 2005?  5 A I don't.  6 Q Okay. So, looking at this document, on the  7 first page it describes an arrest at 575 East Browning  8 Avenue. Is that correct?  9 A That is correct.  10 Q Okay. I'm going to ask you to go to the  11 second page, to the incident narrative specifically.  12 Could you go ahead and review that incident narrative,  13 and let me know when you're done?  14 A Yes, sir.  15 Q Okay. Do you have any independent  16 recollection of this arrest, having reviewed the  17 incident narrative?  18 A I don't.  19 Q Okay. One second, please. Okay. And am I  20 correct, I'm going to look over the document, are you in  21 fact listed anywhere as – on this arrest report as  22 involved in this arrest?  23 A I don't see my name, I do not.  24 Q Thank you. I'm going to turn your attention  25 now to Exhibit number 36. That's going to be PL Joint</p>	Page 99	Page 101

<p>1 A I looked at the case report, sir.</p> <p>2 Q At the case report. Okay. And so, you don't</p> <p>3 have – do you have any notes, anything handwritten,</p> <p>4 anything in front of you, other than the exhibits?</p> <p>5 A The exhibits, the computer screen, my waters,</p> <p>6 and that's it, sir.</p> <p>7 Q Okay. Thank you. That's all I have on</p> <p>8 Mr. Payne. I'm going to ask you about someone else now.</p> <p>9 Do you know a Kim Wilbourn?</p> <p>10 A Not to the best of my knowledge, no, I don't.</p> <p>11 The name does not ring a bell, no.</p> <p>12 Q Okay. Would it refresh to look at an arrest</p> <p>13 report?</p> <p>14 A It could help.</p> <p>15 Q Okay. Let's look at Exhibit 38, please. This</p> <p>16 is going to be PL Joint 2887. Do you have that in</p> <p>17 front of you?</p> <p>18 (EXHIBIT 38 MARKED FOR IDENTIFICATION)</p> <p>19 A Yes, I do, sir.</p> <p>20 Q Great. So, do you see a photo in the upper</p> <p>21 right of that arrest report?</p> <p>22 A I do.</p> <p>23 Q Do you recognize the person in that photo?</p> <p>24 A No, not in this photo, no.</p> <p>25 Q Okay. And it says here that – looking at the</p>	Page 102	Page 104
<p>1 incident, that this was an arrest at 559 East Browning</p> <p>2 Avenue. Is that correct?</p> <p>3 A That is correct.</p> <p>4 Q Okay. And I'm going to ask you to go to the</p> <p>5 second page, please, and could you go ahead and review</p> <p>6 the incident narrative and let me know when you're done?</p> <p>7 A Yes, sir.</p> <p>8 Q Do you remember seeing Mr. Wilbourn in the</p> <p>9 hallway?</p> <p>10 A I don't have any recollection of this arrest.</p> <p>11 Q Okay. So, you don't remember the manner in</p> <p>12 which he was holding a clear, plastic bag?</p> <p>13 A I couldn't tell you how he was holding the</p> <p>14 clear, plastic bag.</p> <p>15 Q Okay. So, you –</p> <p>16 A Otherwise – other than seeing the suspect</p> <p>17 narcotics inside the bag.</p> <p>18 Q Okay. And when you say that now, is that what</p> <p>19 you read in the report or is that an independent memory?</p> <p>20 A What I read in the report.</p> <p>21 Q Okay. And you don't have any independent</p> <p>22 recollection of this arrest. Is that right?</p> <p>23 A That is correct.</p> <p>24 Q Okay. Okay. I'm actually going to point you</p> <p>25 to – actually, we'll do this in order. Let's go to</p>	Page 103	Page 105
<p>1 Exhibit 40, please. That is the affidavit of Kim</p> <p>2 Wilbourn at PL Joint 2887.</p> <p>3 (EXHIBIT 40 MARKED FOR IDENTIFICATION)</p> <p>4 A Last three is 878, sir?</p> <p>5 Q Yes, last digits, 878. Okay. And can I ask</p> <p>6 you to please review this affidavit? It's two pages,</p> <p>7 paragraphs one through ten. And let me know when you're</p> <p>8 done.</p> <p>9 A Yes, sir. Okay, sir.</p> <p>10 Q Sure. So, Mr. Wilbourn says that Watts and an</p> <p>11 officer he didn't know conducted – you know, confronted</p> <p>12 him, and handcuffed him. Have you ever conducted an</p> <p>13 arrest where it was just the only officers present were</p> <p>14 you and Sergeant Watts?</p> <p>15 A I don't recall. I don't know. I don't</p> <p>16 recall.</p> <p>17 Q Were – have you ever been on – I don't know</p> <p>18 if you'd call it being on patrol or something else, but</p> <p>19 have you ever been in the field, paired up with Sergeant</p> <p>20 Watts?</p> <p>21 A I don't recall. I don't believe so. I don't</p> <p>22 recall though. I don't know.</p> <p>23 Q Have you ever seen Sergeant Watts strike</p> <p>24 someone with his gun?</p> <p>25 A No, sir.</p>		Page 105

<p>1 with photographs. Do you have that in front of you?</p> <p>2 (EXHIBIT 41 MARKED FOR IDENTIFICATION)</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. Could you please review the photos on</p> <p>5 these three pages and let me know when you've done so?</p> <p>6 A Yes, sir.</p> <p>7 Q Do you recognize the person in these</p> <p>8 photographs?</p> <p>9 A I don't.</p> <p>10 Q Okay. Thank you. Do you know a David</p> <p>11 Mayberry?</p> <p>12 A The name does not ring a bell, no.</p> <p>13 Q Okay. I – would it refresh your recollection</p> <p>14 to see an arrest report?</p> <p>15 A It could, yes.</p> <p>16 Q Okay, if you would please turn to Exhibit 42?</p> <p>17 This is DO Joint 006254.</p> <p>18 (EXHIBIT 42 MARKED FOR IDENTIFICATION)</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. Do you see a photograph in the upper</p> <p>21 right corner?</p> <p>22 A I do.</p> <p>23 Q Do you recognize the person in that</p> <p>24 photograph?</p> <p>25 A I don't.</p>	Page 106	Page 108
<p>1 Q Okay. And it says here that the arrest took</p> <p>2 place at 575 East Browning Avenue. Is that correct?</p> <p>3 A That is correct.</p> <p>4 Q Okay. And if you could go to the second page,</p> <p>5 to the incident narrative, could you please review the</p> <p>6 incident narrative and let me know when you're done?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. Having reviewed that, do you have any</p> <p>9 independent recollection of this arrest?</p> <p>10 A I don't.</p> <p>11 Q Okay. I believe it says here that this was an</p> <p>12 on – sorry, let me – here we go. This says that this</p> <p>13 was an on-view arrest. What's an on-view arrest?</p> <p>14 A On-view arrest is when you witness it.</p> <p>15 Q Okay. Does that mean that – if it's an on-</p> <p>16 view arrest, does that mean that it wasn't called in?</p> <p>17 A What do you mean?</p> <p>18 Q I mean, if it's an on-view arrest, does that</p> <p>19 mean that you weren't responding to a call?</p> <p>20 A Are you asking in this case or on a different</p> <p>21 case or a different –</p> <p>22 Q I'm asking in general, as you understand the</p> <p>23 term on-view arrest?</p> <p>24 A Well, there could be certain – you could, in</p> <p>25 certain circumstances there – it could be an on-view</p>	Page 107	Page 109

<p>1 than once a year?</p> <p>2 A Like I said, sir, I don't recall. I don't</p> <p>3 know how many times.</p> <p>4 Q And so you don't even have a – do you have an</p> <p>5 order of magnitude, whether it was more like a dozen or</p> <p>6 more like a thousand?</p> <p>7 A Like I stated before, I don't know how many</p> <p>8 times.</p> <p>9 Q Okay. Did you ever see someone engaged in a</p> <p>10 hand-to-hand drug buy and decide that you weren't going</p> <p>11 to arrest the buyer?</p> <p>12 A No. No. I would never let one go that – if</p> <p>13 he was doing something illegal, I would arrest them</p> <p>14 both.</p> <p>15 Q So you would always arrest someone who you saw</p> <p>16 buying drugs. And the person – I'm sorry.</p> <p>17 A Could I rephrase what you just answered? I</p> <p>18 would try to arrest them both. If one got away, one got</p> <p>19 away if they fled on foot. Or if one fled and I was</p> <p>20 chasing one and I didn't arrest the other, then there</p> <p>21 might be a possibility that I didn't arrest both.</p> <p>22 Q Understood. But if you saw someone and you</p> <p>23 thought they were buying drugs, you would always try to</p> <p>24 arrest them.</p> <p>25 A Yes, if anyone's doing anything illegal, I</p>	Page 110	Page 112
<p>1 would try to arrest them both. Yes.</p> <p>2 Q So I'm going to turn your attention to</p> <p>3 Exhibit 43. This is a document. This is a vice case</p> <p>4 report, COPA Watts 45457. And my only question for you</p> <p>5 is if your name is listed among the officers in box</p> <p>6 number 18?</p> <p>7 (EXHIBIT 43 MARKED FOR IDENTIFICATION)</p> <p>8 A Where's box 18, sir?</p> <p>9 Q It's in the upper left side, on the upper left</p> <p>10 of the vice case –</p> <p>11 A Yes, sir. Yes, sir, I see my name. Yep.</p> <p>12 Q Okay. Great. And your name being there, does</p> <p>13 that mean that you were involved in some way in this</p> <p>14 arrest?</p> <p>15 A Yes, it means that I did something during this</p> <p>16 arrest. It does, yes.</p> <p>17 Q Okay. I want to turn you now to Exhibit 44.</p> <p>18 That's the affidavit of David Mayberry, PL Joint 42805.</p> <p>19 And this is just seven paragraphs, and I'm going to ask</p> <p>20 that you review them and let me know when you're done.</p> <p>21 (EXHIBIT 44 MARKED FOR IDENTIFICATION)</p> <p>22 A Yes, sir.</p> <p>23 Q Do you have any recollection of who are the</p> <p>24 officers who detained Mr. Mayberry?</p> <p>25 A Can I refer back to the report or the case</p>	Page 111	Page 113

<p>1 Q Would you go ahead and review that, please,  2 and tell me when you're done?  3 A Yes, sir. Yes, sir.  4 Q Okay. So, it says here that the AO observed  5 the above subject trying to place a clear, plastic bag  6 with suspect narcotics underneath a vacant apartment  7 door number 207, and that the AO recovered the bag. Do  8 you recall whether Mr. Niles [sic] actually succeeded in  9 placing that bag under the apartment door?  10 A I don't recall. By reading this report with  11 the arrest report, I couldn't tell you. I couldn't tell  12 you. I don't know.  13 Q Okay.  14 A Just by looking at this document alone, I  15 couldn't tell you.  16 Q Okay. And it says that it was a vacant  17 apartment door. Do you know whether that door would've  18 been locked or unlocked, if it's to a vacant apartment?  19 A I couldn't tell you if it was locked or not. I  20 don't know by looking at this arrest report.  21 Q Do you have an impression of whether vacant  22 apartment doors were typically locked or unlocked?  23 A To the best of my knowledge, they tried to --  24 when it was a vacant apartment, they always tried to  25 have it locked.</p>	Page 114	Page 116
<p>1 Q Okay. And do you have any independent  2 recollection of this arrest?  3 A Of this arrest? I just remember, like I said,  4 another co-arrestee going out of the window on a second-  5 story window.  6 Q Okay. And beyond that, that's the limit of  7 your independent recollection?  8 A That's correct.  9 Q Okay. Okay. And can I have you look at  10 Exhibit 47, please? That's going to be PL Joint  11 038691.  12 (EXHIBIT 47 MARKED FOR IDENTIFICATION)  13 A Where's that, sir? I'm sorry.  14 Q Yes, this is -- oh, you know what, go ahead  15 and strike that. I already asked you about this because  16 it has Mr. Pearson on them as well. So, feel free to  17 ignore what I just said. I think instead I'd like you  18 to look at Exhibit 48. That's the exhibit of Jajuan  19 Nile, and that's at PL Joint 38684.  20 (EXHIBIT 48 MARKED FOR IDENTIFICATION)  21 MR. BAZAREK: Two-page affidavit?  22 MR. HILKE: Two page affidavit. Thank you.  23 A Yes, I got the affidavit in front of me, sir.  24 Q Okay. And could you go ahead and review  25 paragraphs one to 10 of that affidavit, please, and let</p>	Page 115	Page 117

<p>1 Anthony Mays?</p> <p>2 A The name sounds familiar, but that's about it.</p> <p>3 Q Okay. Do you know anyone with the nickname of</p> <p>4 Par K?</p> <p>5 A Par K?</p> <p>6 Q Uh-huh.</p> <p>7 A No, I don't.</p> <p>8 Q Okay. What about an Ant Dog?</p> <p>9 A No, not that I – no.</p> <p>10 Q Or a Jelly Belly?</p> <p>11 A Jelly Belly? No.</p> <p>12 Q Okay. Would it refresh your memory to look at</p> <p>13 an arrest report?</p> <p>14 A It would help, yes.</p> <p>15 Q Okay. Let's go ahead and look at Exhibit 50,</p> <p>16 please. This is a document PL Joint 030367. Do you</p> <p>17 have that in front of you?</p> <p>18 (EXHIBIT 50 MARKED FOR IDENTIFICATION)</p> <p>19 A I do, sir.</p> <p>20 Q It said – it says here that the arrest</p> <p>21 occurred at 559 East Browning Avenue; is that correct?</p> <p>22 A That is correct.</p> <p>23 Q Okay. And going to the second page of this</p> <p>24 document, can you look down at the instant narrative and</p> <p>25 review it and let me know when you're done.</p>	Page 118	Page 120
<p>1 A Okay.</p> <p>2 Q Now, can you tell from this report where</p> <p>3 within 559 East Browning Avenue the arrest took place?</p> <p>4 A Looks like the garbage chute area.</p> <p>5 Q Okay. And was the garbage chute area, was</p> <p>6 that just one specific location within the building?</p> <p>7 A No, they had separate garbage chute areas.</p> <p>8 Q Was there one on every floor?</p> <p>9 A Not a hundred percent if there was one in the</p> <p>10 lobby or not. I'm not – I'm not mistaken, but yes.</p> <p>11 Q Okay. We – except for the lot, there was one</p> <p>12 on each of the floors except maybe the lobby; is that</p> <p>13 fair?</p> <p>14 A I – I don't know if it was one on the first</p> <p>15 floor or not, or the lobby area.</p> <p>16 Q Okay. But there was one on all the upper</p> <p>17 floors. Is that correct?</p> <p>18 A The best of my knowledge, yes.</p> <p>19 Q Okay. And do you have any independent</p> <p>20 recollection of this arrest?</p> <p>21 A I don't.</p> <p>22 Q Okay. I now want to turn your attention</p> <p>23 please to Exhibit 51. That's PL Joint 30372.</p> <p>24 (EXHIBIT 51 MARKED FOR IDENTIFICATION)</p> <p>25 A 372, got it. Yes, sir.</p>	Page 119	Page 121

<p>1 Q Thank you. I'm going to ask you to look at  2 Exhibit 53. This is DO Joint 30353. It's the first of  3 a criminal history report. Do you have that in front of  4 you?</p> <p>5 (EXHIBIT 53 MARKED FOR IDENTIFICATION)</p> <p>6 A Hold on. What was that sir? I'm sorry.</p> <p>7 Q I'm sorry. That is Exhibit 53. And the Bates  8 is DO Joint 030353.</p> <p>9 THE WITNESS: Okay. Bill, could you --</p> <p>10 MR. BAZAREK: Yeah, I'm sorry, give me the  11 number again.</p> <p>12 MR. HILKE: It's Exhibit 53 and DO Joint 30353.</p> <p>13 MR. BAZAREK: Okay. It's --</p> <p>14 MR. HILKE: The --</p> <p>15 MR. BAZAREK: It's the first page of a rap --  16 rap sheet for Anthony Mays.</p> <p>17 MR. HILKE: Correct.</p> <p>18 THE WITNESS: Yes. Yes, I have it. Yes, sir.</p> <p>19 BY MR. HILKE:</p> <p>20 Q Great. Do you see the photo in the upper,  21 right?</p> <p>22 A I do.</p> <p>23 Q Do you recognize who that is?</p> <p>24 A I don't.</p> <p>25 Q Okay. Thank you. Did you ever know -- to</p>	Page 122	Page 124
<p>1 your knowledge, did Sergeant Watts ever ask anyone to  2 help him find a gun?</p> <p>3 A Meaning who asked who for help? I don't  4 understand your question.</p> <p>5 Q Sure. Did Sergeant Watts ask anyone to help  6 him find -- well, let me -- not a police officer, did he  7 ever ask a civilian to help him find a gun?</p> <p>8 A No.</p> <p>9 Q Okay. And did you ever ask a civilian to help  10 you find a gun?</p> <p>11 A No.</p> <p>12 Q Okay. So, you -- when you're arresting  13 someone, at any time arresting someone, you don't ever  14 remember saying, "Hey, can you help me find a gun?" Or  15 asking them for information about guns?</p> <p>16 A That's correct. No.</p> <p>17 Q Okay. All right, I'm going to move on to ask  18 you about Raynard Carter. Do you know a Raynard Carter?</p> <p>19 A I don't.</p> <p>20 Q Okay. Would it refresh your recollection to  21 see an arrest report?</p> <p>22 A Yes, it would.</p> <p>23 Q Okay. I'm going to point you to Exhibit 54.  24 That's PL Joint 30449.</p> <p>25 (EXHIBIT 54 MARKED FOR IDENTIFICATION)</p>	Page 123	Page 125

<p>1 and – did you ever arrest multiple people at the same  2 time?</p> <p>3 MR. BAZAREK: Objection, foundation.</p> <p>4 A Have we ever arrested numerous people at the  5 same time, is that what you asked?</p> <p>6 Q That's what I asked.</p> <p>7 A Yes we have.</p> <p>8 Q And when – when multiple arrests are being  9 made, do you ever put – gather everyone together before  10 taking them back to the district or wherever you're  11 taking them back to?</p> <p>12 MR. BAZAREK: Object to the form of the  13 question, foundation. Also, incomplete  14 hypothetical. Go ahead.</p> <p>15 A Yes, we would be it together. It doesn't  16 matter – it could be a location, yes. We're waiting on  17 a band of wagon cars to transport, could be anything.</p> <p>18 Q And then did you ever use the lobby of the 540  19 East 36th Street as such a gathering point?</p> <p>20 MR. BAZAREK: Object to the form of the  21 question, and foundation. Go ahead.</p> <p>22 A I'm sure we have before. Yes, I would say  23 yes, probably. Like I said, we put them in numerous  24 places. Sometimes out in the parking lot. Yes.</p> <p>25 Q Okay. And after gathering the people who had</p>	Page 126	Page 128
<p>1 been arrested, did you, or have you or -- would you  2 speak to them as a group? Would you speak to them as a  3 group after they were gathered?</p> <p>4 MR. BAZAREK: Objection, foundation.</p> <p>5 A I don't know if we talked to them in – as a  6 group or not. I can't recall.</p> <p>7 Q Okay. So then do you have any actual memory  8 to dispute what's written in paragraphs one to nine of  9 Raynard Carter's affidavit?</p> <p>10 A Yes. I would definitely dispute this  11 100 percent.</p> <p>12 Q Okay. Do you have any actual memory that  13 contradicts what's written in this affidavit?</p> <p>14 A Yes, because I prepared this arrest and I know  15 personally I never arrested anyone lawful – unlawfully  16 and without justification, I arrested him when they were  17 doing something illegal. So yes, I do have recollection  18 of that because I know I never did anything of what he  19 is saying in his affidavit.</p> <p>20 Q Okay. Do you remember anything – do you have  21 – have an actual memory of how Raynard Carter's arrest  22 happened?</p> <p>23 A Other than my reports that I'm reviewing, no.</p> <p>24 Q Okay. Okay. I'm going to move on. Do you  25 know an Alhummza Stokes?</p>	Page 127	Page 129

<p>1 involvement was in this arrest?</p> <p>2 A By looking at the arrest, I was the first</p> <p>3 arresting officer.</p> <p>4 Q Okay. What can you tell from that?</p> <p>5 A That I was a first arresting officer. On page</p> <p>6 three I was a first arresting officer.</p> <p>7 Q Okay. Does that tell you anything about how</p> <p>8 you were involved in this arrest?</p> <p>9 A No.</p> <p>10 Q Okay. So, I'd like to point you to Exhibit 59</p> <p>11 now. This is at PL Joint 30452.</p> <p>12 (EXHIBIT 59 MARKED FOR IDENTIFICATION)</p> <p>13 A Yes, sir.</p> <p>14 Q Sorry, I may be able to save us a second. Let</p> <p>15 me check if this is the exact same thing I showed you a</p> <p>16 minute ago, because if it is, I'm not going to make you</p> <p>17 look at it again. Let's see here. Sure, looks a lot</p> <p>18 like that last thing I showed you. Let's see here.</p> <p>19 Yeah, that's Exhibit 52. Yeah, this is the same thing I</p> <p>20 showed you before.</p> <p>21 MR. BAZAREK: Meaning Exhibit 55?</p> <p>22 MR. HILKE: Yeah, exhibit – looks like Exhibit</p> <p>23 55 is the same as Exhibit 59.</p> <p>24 MR. BAZAREK: Agreed.</p> <p>25 BY MR. HILKE:</p>	Page 130	Page 132
<p>1 Q Great. So, I'm not going to ask you about</p> <p>2 that again. Let's move to Exhibit 60. Exhibit 50 is</p> <p>3 – 60 is an affidavit of Alhummza Stokes at PL Joint</p> <p>4 36941?</p> <p>5 (EXHIBIT 60 MARKED FOR IDENTIFICATION)</p> <p>6 A Yes, sir.</p> <p>7 Q It's two pages, 15 paragraphs. Could you</p> <p>8 review this affidavit and let me know when you're</p> <p>9 finished.</p> <p>10 A Okay.</p> <p>11 Q Okay. So, remember we talked a minute ago</p> <p>12 about how at times people would've been – you would –</p> <p>13 you and other officers would gather people who had been</p> <p>14 arrested and that at times that would be in a building</p> <p>15 lobby?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. Do you remember ever asking – do you</p> <p>18 remember the arrestees ever being made to wait on their</p> <p>19 knees after being gathered?</p> <p>20 A Like I said, I don't remember this arrest and</p> <p>21 I would've stated in my report, and we didn't bring them</p> <p>22 back into the lobby area.</p> <p>23 Q Okay. But do you remember ever arrestees who</p> <p>24 had been gathered, being placed on their knees in the</p> <p>25 Ida B. Wells homes?</p>	Page 131	Page 133

<p>1 Could you please review the instant narrative on page  2 two and let me know when you've finished?  3 A Yes, sir.  4 Q Okay. Do you have any recollection of this  5 arrest?  6 A I don't.  7 Q Okay. I'm going to move on to the affidavit.  8 I'm going to ask you to look at Exhibit 62, that is PL  9 Joint 037247.  10 (EXHIBIT 62 MARKED FOR IDENTIFICATION)  11 A Yes, sir.  12 Q Could you review this affidavit please? It's  13 two pages, paragraphs one to 12. And let me know when  14 you're done.  15 A Yes, sir.  16 Q Okay. Do you have any independent  17 recollection that contradicts this affidavit?  18 A Yes. By reading the arrest report and case  19 report, I would totally contradict this because I've  20 never seen any other officers falsely arrest anyone in  21 my career.  22 Q Okay. But having reviewed this, you don't  23 remember specifically the arrest of David Holmes; is  24 that correct?  25 A That is correct. No, I don't remember.</p>	Page 134	Page 136
<p>1 Q Okay. All right. I'm going to move on. Do  2 you remember a Derrick Mapp?  3 A No, sir.  4 Q Okay. I'm going to – would it refresh your  5 memory to look at an arrest report?  6 A It could help, yes.  7 Q Okay. I'm going to ask you to look at  8 Exhibit 63. This is PL Joint 45790. The number –  9 A That's correct. I'm looking at – oh, I'm  10 sorry, sir. I'm sorry.  11 Q No, you're good. Do you see a photo in the  12 upper right here?  13 (EXHIBIT 63 MARKED FOR IDENTIFICATION)  14 A I do.  15 Q Do you recognize the person in that photo?  16 A I don't. Looking at this photo, no.  17 Q Okay. And this an arrested 527 East Browning  18 Avenue. Is that correct?  19 A That is correct.  20 Q Okay. I'm going to ask you to look at the  21 second page and read the incident narrative. Could you  22 review the incident narrative and let me know when you  23 finished doing so?  24 A Yes, sir. Yes, sir.  25 Q Okay. Do you have any independent</p>	Page 135	Page 137

<p>1 and let me know and read it through and let me know when  2 you're finished.  3 A Yes, sir. Yes, sir.  4 Q Was there an incinerator room on the third  5 floor of 527 East Browning?  6 A I don't know. The incinerator room was all  7 the way at the ground level.  8 Q Okay. So, there is an incinerator room, but  9 it's at the ground level of 527 East Browning?  10 A I believe so. Yes.  11 Q Okay. Have you ever been inside the  12 incinerator room?  13 A I don't recall if I've ever been inside there  14 or not.  15 Q Have you ever seen Sergeant Watts take anyone  16 into the incinerator room?  17 A No, not that I recall. No.  18 Q What about Officer Mohammed?  19 A Not that I recall, no.  20 Q Okay. Do you have any independent  21 recollection that contradicts this affidavit?  22 A Yes. I would say yes. By reading the  23 reports, I would say this is a hundred percent false  24 because officers -- I've never seen anyone falsely  25 arrest anyone or falsely do anything on a narrative.</p>	Page 138	Page 140
<p>1 Also, when they go into the lockup, they ask you if  2 you're sick, injured, need to go to a hospital, in which  3 he didn't. And they wouldn't have took him into the  4 lockup if he didn't -- if he said he was sick, injured,  5 or needed to go to the hospital.  6 Q So you would say that -- so what you're saying  7 is you don't believe this affidavit because anyone who  8 was beaten by a police officer would report that when  9 they got to lockup?  10 A If he's hurt and needs to go to the hospital,  11 yes, he would say that, and the lockup keeper would not  12 take him into the lockup. That's correct.  13 Q Okay. You don't have any memory of how  14 Derrick Mapp's arrest happened, do you?  15 A No, other than reading the arrest report in  16 the vice case report, that's correct.  17 Q Okay. And I guess, just to clarify, when you  18 say other than reading it, you don't mean that you read  19 it, and then it sparked a new memory. You just mean you  20 can understand what's written in the report. Is that  21 correct?  22 A That's correct.  23 Q Okay. Thank you. I'm moving on. Do you know  24 a Jermaine Morris?  25 A No, that name does not ring a bell. No.</p>	Page 139	Page 141

<p>1 19 to 26, and let me know when you're done?</p> <p>2 A Yes, sir.</p> <p>3 Q Okay. So as a police officer, are there</p> <p>4 situations in which you're not allowed to enter</p> <p>5 someone's home?</p> <p>6 A Yes, sir.</p> <p>7 Q What do you need to be able to enter someone's</p> <p>8 home?</p> <p>9 A You need a search warrant, you could be hot</p> <p>10 pursuit chasing someone into a residence, or if you see</p> <p>11 them – you see a arrestee in there that you had in</p> <p>12 there, you could get in there.</p> <p>13 Q Okay. And in other situations, you need</p> <p>14 consent to enter someone's home. Is that correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And have you ever entered someone's</p> <p>17 home without consent or one of the justifications you</p> <p>18 just described?</p> <p>19 A No, sir.</p> <p>20 Q Okay. What else do I have? In this</p> <p>21 affidavit, Mr. Morris describes Al Jones and a big white</p> <p>22 officer standing in the hallway and pushing their way</p> <p>23 into the apartment. And –</p> <p>24 A Could I stop? What line are you on?</p> <p>25 Q Sorry. I'm line 19.</p>	Page 142	Page 144
<p>1 A 19. Okay.</p> <p>2 MR. BAZAREK: Paragraph 19.</p> <p>3 Q Yeah, paragraph 19. Thank you.</p> <p>4 A All right. Got it.</p> <p>5 Q So here's my question and feel free to look</p> <p>6 back at the arrest report. Is the arrest report</p> <p>7 consistent with you and Al Jones being the first two</p> <p>8 officers to contact Mr. Morris during this arrest?</p> <p>9 MS. DOI: This is Kathryn Doi. I'll object to</p> <p>10 form.</p> <p>11 A Could you repeat that question, sir?</p> <p>12 Q Yeah. Is the arrest report, and that's</p> <p>13 Exhibit 66 that we were looking at before, is that</p> <p>14 consistent with you and Al Jones being the first two</p> <p>15 officers involved in this arrest?</p> <p>16 MR. BAZAREK: Object to the form.</p> <p>17 A I don't already remember this arrest, sir, so</p> <p>18 I don't know.</p> <p>19 Q Okay. Based on this arrest report, can you</p> <p>20 tell whether you and Al Jones were the first two</p> <p>21 officers to contact Mr. Morris in this arrest?</p> <p>22 A Looking at this report, no. But I wasn't the</p> <p>23 only white person on the team.</p> <p>24 Q And I'm sorry, when you say no, do mean that</p> <p>25 you could have been, or you couldn't have been the first</p>	Page 143	Page 145

<p>1 A Okay. I'm looking at the arrest report.</p> <p>2 Q Okay. And this arrest occurred at 574 East</p> <p>3 36th Street. Is that correct?</p> <p>4 A That's correct.</p> <p>5 Q Okay. Go ahead and look at the second page.</p> <p>6 There's going to be a narrative description near the</p> <p>7 bottom. Can you go ahead and read that narrative</p> <p>8 description and let me know when you're done?</p> <p>9 A Yes, sir.</p> <p>10 Q Okay. And having reviewed it, do you have any</p> <p>11 independent recollection of this arrest?</p> <p>12 A No, sir.</p> <p>13 Q Okay. And pointing to page three, does page</p> <p>14 three show you as the attesting officer in this arrest</p> <p>15 report?</p> <p>16 A It does, sir.</p> <p>17 Q Okay. And that means that you would've</p> <p>18 reviewed this and verified its accuracy. Is that</p> <p>19 correct?</p> <p>20 A That's correct.</p> <p>21 Q Okay. So now I'm going to point you to</p> <p>22 Exhibit 70. This is the affidavit of Alvin Waddy and</p> <p>23 it's at PL Joint 28905.</p> <p>24 (EXHIBIT 70 MARKED FOR IDENTIFICATION)</p> <p>25 A Yes, sir.</p>	Page 146	Page 148
<p>1 Q This is a two-page affidavit with nine</p> <p>2 paragraphs. Could you go ahead and read it and let me</p> <p>3 know when you're done?</p> <p>4 A Yes, sir. Yes, sir.</p> <p>5 Q So, Mr. Waddy in this affidavit on paragraph</p> <p>6 four, says that the officers put like 30 of us up</p> <p>7 against the wall and searched us. At the Ida B. Wells</p> <p>8 homes, did you ever see that many people put against the</p> <p>9 wall and searched?</p> <p>10 A I believe so. During – yes, I think so.</p> <p>11 Q Okay. And on more than one occasion?</p> <p>12 A I would say probably yes.</p> <p>13 Q Under what circumstances or – sorry. Do you</p> <p>14 remember anything about the circumstances of those</p> <p>15 searches?</p> <p>16 A No, I don't.</p> <p>17 Q And do I have any idea why you or other</p> <p>18 officers would search at many people at the same time?</p> <p>19 A If we are doing a reverse sting mission, if</p> <p>20 we're doing a thing with trespass, there could be</p> <p>21 numerous things that we search that many people at that</p> <p>22 time.</p> <p>23 Q Okay. So, do you have any independent memory</p> <p>24 that contradicts what you've read in Mr. Waddy's</p> <p>25 affidavit?</p>	Page 147	Page 149

<p>1 Q Okay. And do you recall arresting Mr. Baker?</p> <p>2 A I do.</p> <p>3 Q And how many times did you arrest him?</p> <p>4 A I believe it was one time.</p> <p>5 Q Okay. And do you remember what – what's the</p> <p>6 first thing you remember about the day that you arrested</p> <p>7 him?</p> <p>8 A I remember going into the building, then I</p> <p>9 remember him holding a clear plastic bag, and then</p> <p>10 running down the stairs, and the clear plastic bag</p> <p>11 contained numerous bags of suspected narcotics. And</p> <p>12 then he ran down the stairs.</p> <p>13 Q Why were you at the building that day?</p> <p>14 A Excuse me?</p> <p>15 Q Why were you at that building that day?</p> <p>16 A To do a building premise check.</p> <p>17 Q Okay. And what's the premise check?</p> <p>18 A A premise check is, we check the building to</p> <p>19 make sure if any illegal activity is happening in the</p> <p>20 building, and we could start from the bottom floor and</p> <p>21 work up, or we could start from the top floor and work</p> <p>22 down. It's just a premise check of the building.</p> <p>23 Q And do you remember why you had been</p> <p>24 instructed to do a premise check that day?</p> <p>25 A I know because of high narcotics levels in the</p>	Page 150	Page 152
<p>1 Ida B. Wells housing complex.</p> <p>2 Q Okay. And what does that mean, high narcotics</p> <p>3 levels?</p> <p>4 A That high narcotics are being sold at</p> <p>5 locations.</p> <p>6 Q And does that mean more than were usually</p> <p>7 being sold?</p> <p>8 A I don't understand that question.</p> <p>9 Q I mean, when you say high narcotics, what</p> <p>10 makes it high narcotics as opposed to just regular</p> <p>11 narcotics?</p> <p>12 A Because that was a high narcotics level area.</p> <p>13 They sold a lot of drugs at the Ida B. Wells housing</p> <p>14 complex and in that building.</p> <p>15 Q Was that always true of the Ida B. – or,</p> <p>16 during the time you worked there, was that always the</p> <p>17 case at Ida B. Wells?</p> <p>18 A Yes, and that building also. Yes.</p> <p>19 Q So on any day while you were working in the</p> <p>20 second district, it was true that there were high</p> <p>21 narcotics levels at this building?</p> <p>22 A Yes.</p> <p>23 Q Okay. Do you remember who was with – were</p> <p>24 there other police officers with you that day?</p> <p>25 A Yeah, my partner was.</p>	Page 151	Page 153

<p>1 Q Okay. And was he with anyone else?</p> <p>2 A I would have to look at my reports to see if</p> <p>3 he was with anyone else.</p> <p>4 Q Okay. And when you saw him, did you know who</p> <p>5 he was?</p> <p>6 A I don't recall if I did at that time or if I</p> <p>7 didn't. I don't recall.</p> <p>8 Q Okay. Did you have your gun drawn when you</p> <p>9 – when you reached the level Mr. Baker was on?</p> <p>10 A No, not that I – no, not that I recall. No.</p> <p>11 Q Did you ever carry your gun unholstered when</p> <p>12 you did a premise check?</p> <p>13 A This incident? Would – could you repeat that</p> <p>14 question?</p> <p>15 Q In any situation, would you ever do a premise</p> <p>16 check with your gun unholstered?</p> <p>17 A Not that I recall. No.</p> <p>18 Q How far away was Mr. Baker when you spotted</p> <p>19 him?</p> <p>20 A I would have to look at my reports.</p> <p>21 Q And what happened after you first saw</p> <p>22 Mr. Baker?</p> <p>23 A He fled down the stairs.</p> <p>24 Q Okay. And was that the same set of stairs you</p> <p>25 climbed or a different set of stairs?</p>	Page 154	Page 156
<p>1 A I don't recall. I would have to look at my</p> <p>2 reports.</p> <p>3 Q Okay. Do you remember how far away the two</p> <p>4 sets of stairs were on the floor where you encountered</p> <p>5 him?</p> <p>6 A I don't want to guess. I know you had to come</p> <p>7 out one stairwell. I don't want to guess. I don't want</p> <p>8 to be mistaken, how far was around – it's around the</p> <p>9 corner. I don't know approx – I don't know how – how</p> <p>10 much feet it was.</p> <p>11 Q So you would say that the two staircases are</p> <p>12 – they're close to one another?</p> <p>13 A In my perspective, close? Yes. I would say</p> <p>14 in my perspective, yes. Close in my perspective, yes.</p> <p>15 Q Okay. So, after Baker started to run, what</p> <p>16 did you do?</p> <p>17 A I gave chase.</p> <p>18 Q Okay. And what – did your partner, Leano, do</p> <p>19 anything?</p> <p>20 A I think he also gave chase. I would have to</p> <p>21 look at my reports.</p> <p>22 Q Do you remember who was in front? You or your</p> <p>23 partner?</p> <p>24 A I was.</p> <p>25 Q Okay. Now, what do you remember about – so</p>	Page 155	Page 157

<p>1 officers remaining on the ground level?</p> <p>2 A There was no set plan of – to have officers</p> <p>3 on the ground level.</p> <p>4 Q Okay. When you say there was no set plan, can</p> <p>5 you tell me what you mean by there not being a set plan?</p> <p>6 A Set plan, there's nothing written in stone of</p> <p>7 how we conduct a premise check.</p> <p>8 Q Okay. So, did you have any expectations of</p> <p>9 what any other officers would be doing during that</p> <p>10 premise check?</p> <p>11 A Not that I recall, no. I don't recall.</p> <p>12 Q Okay. So, you're sort of saying there was no</p> <p>13 – you didn't have a typical strategy that you and other</p> <p>14 officers would use for doing a premise check?</p> <p>15 A Other than starting at the ground level or</p> <p>16 working at the top level and working our way down,</p> <p>17 checking every floor, no.</p> <p>18 Q Okay. So, after you took the bag from</p> <p>19 Mr. Baker, what happened next?</p> <p>20 A I performed a search of him. So a search.</p> <p>21 Q Did you find anything?</p> <p>22 A Yes.</p> <p>23 Q What did you find?</p> <p>24 A Another clear plastic bag containing numerous</p> <p>25 suspect narcotics and a bundle of USC.</p>	Page 158	Page 160
<p>1 Q Okay. Let me ask you about the bag in his</p> <p>2 right hand. What do you remember about the bag that he</p> <p>3 held in his right hand while he fled?</p> <p>4 A I don't understand your question.</p> <p>5 Q Sure. Said he held a bag in his right hand as</p> <p>6 he fled, right?</p> <p>7 A That's correct.</p> <p>8 Q And then you recovered that bag from him when</p> <p>9 you got to the ground level?</p> <p>10 A That's correct.</p> <p>11 Q Can you picture that bag – the bag in your</p> <p>12 head?</p> <p>13 A No. I knew it contained numerous bags of</p> <p>14 suspect narcotics, but no.</p> <p>15 Q Okay. And what about the bag that you</p> <p>16 recovered during the search? Can you picture of that in</p> <p>17 your head?</p> <p>18 A At this time, no. I would have to look at my</p> <p>19 reports.</p> <p>20 Q Okay. Sure. So, do you remember an Officer</p> <p>21 Cabrales being involved in the arrest at all?</p> <p>22 A Not to my knowledge, no.</p> <p>23 Q And do you remember an Officer Smith being</p> <p>24 involved in the arrest at all?</p> <p>25 A Not to my – no. I would have to look at the</p>	Page 159	Page 161

<p>1 MR. BAZAREK: Object to foundation.</p> <p>2 A I don't understand your question.</p> <p>3 Q Yeah. Would you communicate with Sergeant</p> <p>4 Watts frequently while you were working on his tac team?</p> <p>5 MR. KOSOKO: Objection. This is counsel for</p> <p>6 Watts.</p> <p>7 A I don't – I don't think so. I wouldn't say</p> <p>8 – I would say no.</p> <p>9 Q Do you remember Sergeant Watts arriving on the</p> <p>10 scene of Mr. Baker's arrest?</p> <p>11 A I don't. I would have to look at my reports</p> <p>12 if he ever did or didn't.</p> <p>13 Q And do you remember Officer Jones arriving on</p> <p>14 the scene after Mr. Baker's arrest?</p> <p>15 A I would have to look at my reports on that one</p> <p>16 too. I don't recall.</p> <p>17 Q Okay. And do you have any recollection of</p> <p>18 interacting Mr. Baker before this arrest?</p> <p>19 A Not that I recall, no.</p> <p>20 Q Okay. Thank you. I want to at long last put</p> <p>21 your attention on Exhibit 72. This is the Baker arrest</p> <p>22 report, PL Joint 00083.</p> <p>23 (EXHIBIT 72 MARKED FOR IDENTIFICATION)</p> <p>24 A Yes, sir.</p> <p>25 Q Do you see the photograph in the upper right?</p>	Page 162	Page 164
<p>1 A I do.</p> <p>2 Q Do you recognize the person in that photo?</p> <p>3 A I do.</p> <p>4 Q And who is it?</p> <p>5 A Ben Baker.</p> <p>6 Q Okay. And this is an arrest at address 527</p> <p>7 East Browning Avenue. Is that correct?</p> <p>8 A That is correct.</p> <p>9 Q Okay. So, this – I'm looking at page two,</p> <p>10 the incident narrative. Here it says that "AOs were</p> <p>11 directed by Sergeant Watts to go to above building for</p> <p>12 high narcotics activity." Do you have an independent</p> <p>13 recollection of Sergeant Watts directing you to that</p> <p>14 building on that day?</p> <p>15 A I don't.</p> <p>16 Q Okay. And it says that as you reached the</p> <p>17 third floor of the building, you observed the above</p> <p>18 subject holding a clear plastic bag containing suspect</p> <p>19 narcotics. So, is this arrest occurring on the third</p> <p>20 floor consistent with your recollection of that day?</p> <p>21 A To the best of my recollection, yes. It</p> <p>22 happened, yes.</p> <p>23 Q Okay. And can you take a minute to finish</p> <p>24 reviewing this report please? I'm –</p> <p>25 A Yes, sir.</p>	Page 163	Page 165

<p>1 look.</p> <p>2 Q Okay. That's fine. Yeah. I think I'm going 3 to ask you to – sorry. Give me one second here, 4 please. Okay. Do you a copy of Exhibit 75 in front of 5 you? That would be Baker Glen 000418. And this is a 6 long one. This is like a hundred -</p> <p>7 (EXHIBIT 75 MARKED FOR IDENTIFICATION)</p> <p>8 A I have 02 – 021583.</p> <p>9 Q Let me see. No, I don't think that's it. I 10 think I'm going to go ahead and share the screen with 11 you for a moment here. Let's make sure you can see 12 that. Okay. There we go. Can you see this document in 13 front of you?</p> <p>14 A Yeah, it looks like the same one at 021583.</p> <p>15 Q Okay. Great. Well, I'll just scroll along 16 here, and if it's easier for you to consult the version 17 in front of you, that's fine. I just – I don't notice 18 that same number on the bottom of my exhibit here, so I 19 don't want to –</p> <p>20 A Yes, sir.</p> <p>21 Q – get it. Okay. So, this is People v. Baker 22 on May 23, 2006. And I'm going to scroll down to your 23 testimony in this case.</p> <p>24 MR. BAZAREK: Just look – look at the screen.</p> <p>25 Q Yeah, the screen's fine. So, yeah. I'm</p>	Page 166	Page 168
<p>1 sorry. To keep it simple, I'll ask you to look at the 2 screen while I go over this. I'll make sure we're both 3 looking at the same thing.</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. So do you see here that it has you, 6 Officer Nichols – I'm looking at page nine, looking at 7 – sorry. Good. Okay. I'm looking at Baker Glen 425. 8 And it has you being questioned by Mr. Laskaris. Does 9 that ring a bell?</p> <p>10 A No, it does not.</p> <p>11 Q Okay. So, you don't remember specifically who 12 it was who questioned you? Is that right?</p> <p>13 A That's correct.</p> <p>14 Q Okay. I'm going to – okay. So, I'm going to 15 direct you to the bottom of this page, Baker Glen 428. 16 It says question, "And what happened?" Starting on line 17 20. Answer is, "We conducted – we went up to the 18 second floor and didn't see anyone up on the second 19 floor, so we approached the third floor and we saw the 20 defendant." Do you see that?</p> <p>21 A I do.</p> <p>22 Q And do you still not have any recollection of 23 – any independent recollection of your testimony at 24 trial?</p> <p>25 A I don't remember the testimony at trial. No.</p>	Page 167	Page 169

<p>1 in the lockup as you questioned Mr. Baker?</p> <p>2 MR. BAZAREK: Object to the form of the</p> <p>3 question and the reference to being in the lockup.</p> <p>4 A I don't understand that question.</p> <p>5 Q Where were you when you Mirandized Mr. Baker</p> <p>6 and questioned him?</p> <p>7 A In the tac office. Not the lockup.</p> <p>8 Q Thank you. Who was with you for the</p> <p>9 questioning?</p> <p>10 A I believe my partner was, Officer Leano.</p> <p>11 Q Anyone else?</p> <p>12 A Not that I recall. No.</p> <p>13 Q Do you remember in the – I believe in both</p> <p>14 the arrest and case reports, it's saying that Mr. Baker</p> <p>15 was with of two other guys in the hallway?</p> <p>16 A I'm – I'm looking at bank, my case report and</p> <p>17 arrest report.</p> <p>18 Q Take a look. Huh. Maybe it doesn't. Go</p> <p>19 ahead and look at the reports.</p> <p>20 A No, there's no one in here about two other</p> <p>21 individuals.</p> <p>22 Q Okay. So, do you have an independent memory</p> <p>23 of whether Mr. Baker was alone or with anyone else when</p> <p>24 you saw him?</p> <p>25 A I don't recall.</p>	Page 170	Page 172
<p>1 Q Okay. Okay. Give me just one second here,</p> <p>2 please.</p> <p>3 A No problem.</p> <p>4 Q Okay. So – did Officer Leano search Baker on</p> <p>5 the day of his arrest?</p> <p>6 A I don't recall. I don't know.</p> <p>7 Q Do you have any memory of him searching – I</p> <p>8 guess you just answered that. Strike that. How long</p> <p>9 – after you searched Mr. Baker, how much time elapsed</p> <p>10 before – did you leave the – did you escort Mr. Baker</p> <p>11 from the building after you arrested him?</p> <p>12 A I don't recall who escorted him out. I don't</p> <p>13 recall.</p> <p>14 Q Do you remember how much time elapsed between</p> <p>15 when you searched Mr. Baker on the ground level and when</p> <p>16 he exited the building?</p> <p>17 A I don't know. I don't recall.</p> <p>18 Q And do you remember one way or another whether</p> <p>19 Sergeant Watts entered the building before Mr. Baker</p> <p>20 left the building?</p> <p>21 A I – like I said before, I don't remember</p> <p>22 where Sergeant Watts was. If he arrived on scene or if</p> <p>23 he didn't arrive on scene.</p> <p>24 Q Do you remember if other people were arrested</p> <p>25 at the building during that premise check?</p>	Page 171	Page 173

<p>1 question. I don't know his pattern or what he would do  2 on a premise check.  3 Q Okay. And did you usually wear plain clothes  4 or a uniform at Ida B. Wells?  5 A That depends on that day, but majority of the  6 time it was plain clothes.  7 Q Okay. And when you're in plain clothes, are  8 you also wearing a badge?  9 A Yes. I had a badge showing.  10 Q Okay. And where was it showing?  11 A Affixed to my – at that time, I don't recall  12 if I was wearing it around my neck or it was affixed to  13 my bulletproof vest.  14 Q Okay. And was there anything else that would  15 show your badge number that you'd be wearing?  16 A Other than those two incidents?  17 Q Yeah.  18 A No.  19 MR. HILKE: Okay. That's all I have before I  20 turn to disciplinary complaints. So, I think I'm  21 going to turn it over to Joel now to finish up with  22 the individual cases.  23 MR. FLAXMAN: Bill, is that still your  24 preference or do you want us to start up again  25 tomorrow?</p>	Page 174	Page 176
<p>1 MR. BAZAREK: It'll be a little easier for me  2 if I started fresh in the morning.  3 MR. KOSOKO: Yeah, that's fine. Yeah.  4 THE WITNESS: We're good. I'm good.  5 MR. KOSOKO: Well, you know what? Hey guys,  6 hold on a minute. Just give – let's go off the  7 record for a couple minutes. Okay?  8 MR. HILKE: Great.  9 COURT REPORTER: Okay. We're going off the  10 record. The time is 3:52 p.m.  11 (OFF THE RECORD)  12 COURT REPORTER: Okay. We're back on the  13 record for the deposition of Douglas Nichols. My  14 name is Jesse Harp. Today is the 18th day of April  15 2022, and the current time is 4:00 p.m.  16 CROSS EXAMINATION  17 BY MR. FLAXMAN:  18 Q All right. Detective Nichols, my name's Joel  19 Flaxman. Can you hear me?  20 A Yes, sir. Yes, sir.  21 Q Okay. I represent some of the other  22 plaintiffs in this case. I'm going to ask you questions  23 about just a handful of cases. Are you prepared for  24 that?  25 A Yes, sir.</p>	Page 175	Page 177

<p>1 A No, I don't.</p> <p>2 Q Okay. And do you have any recollection of the 3 incident described in this vice case report? Take a 4 minute to look it over if you want.</p> <p>5 A Yes, sir. Okay.</p> <p>6 Q And you've had a chance to look over at the 7 vice case report marked as Plaintiff Bonner, Exhibit 1?</p> <p>8 A That's correct.</p> <p>9 Q Okay. And do you have any recollection of the 10 incident described in the narrative on this report?</p> <p>11 A I don't.</p> <p>12 Q Okay. I – the report on the second page says 13 that offender two dropped, who is a known offender, and 14 then it gives the name Bonner, Catrina. Is that a phrase 15 that you ever used when you wrote reports, known 16 offender?</p> <p>17 A I believe I used it before, yes.</p> <p>18 Q Okay. And what did you mean when you used it?</p> <p>19 A That I knew that who the offender was.</p> <p>20 Q Well – and did you just mean you knew the 21 person's name, or did you mean that you knew they had 22 committed crimes in the past?</p> <p>23 A I don't understand your question.</p> <p>24 Q Sure. I believe what you said is that when 25 you used that phrase, you meant that you knew who the</p>	Page 178	Page 180
<p>1 offender was. Is that right?</p> <p>2 A Yes, I believe so.</p> <p>3 Q Okay. If the – an offender means the person 4 described in the report, right?</p> <p>5 A That's correct.</p> <p>6 Q Okay. If this was the first time somebody was 7 being arrested, would you describe them as an offender?</p> <p>8 A Depends on what they did. If they'd committed 9 a crime, yes, I would 100 percent say they were an 10 offender.</p> <p>11 Q Sure. Okay. And I'm just trying to 12 understand, would you have ever used the words known 13 offender to mean that you knew somebody had offended in 14 the past, or was it only about describing them that you 15 knew them on the day the report was described?</p> <p>16 A Are you asking about me or with this report?</p> <p>17 Q I'm only asking about you. I'm not expecting 18 you to understand what this report – exactly with this 19 one.</p> <p>20 A I would probably word it as of they would 21 commit a crime and I would know who the offender and I 22 would put a known offender.</p> <p>23 Q But you wouldn't use it – you, personally, 24 wouldn't use the phrase known offender to mean that you 25 knew the person had been an offender in the past?</p>	Page 179	Page 181

<p>1 Q Okay. And–</p> <p>2 A And you're attesting to the facts of the</p> <p>3 crime.</p> <p>4 Q Meaning at the – at the time that you</p> <p>5 submitted this report, you had personal knowledge about</p> <p>6 the facts described in the report.</p> <p>7 A Yes, I had knowledge.</p> <p>8 Q And you swore to the truth of those, the facts</p> <p>9 stated in the report, right?</p> <p>10 A That's correct.</p> <p>11 Q And you also told me you were listed as an</p> <p>12 assisting arresting officer. Is that on page five of</p> <p>13 the report?</p> <p>14 A Yes, sir.</p> <p>15 Q Do you know what you did to be listed as an</p> <p>16 assisting arresting officer in this report?</p> <p>17 A Well, I know I did some of the – I had logged</p> <p>18 into the system for attesting officer to generate this</p> <p>19 report, but other than that, my whole involvement? No.</p> <p>20 Q Okay. And do you take the – I'm sorry. And</p> <p>21 the report doesn't state exactly what your involvement</p> <p>22 was, as an assisting arresting officer, correct?</p> <p>23 A Not that I saw, no.</p> <p>24 Q Okay. If you look back to page four, at the</p> <p>25 top that says arrest processing report? Are you looking</p>	Page 182	Page 184
<p>1 at page four?</p> <p>2 A I am, sir.</p> <p>3 Q Okay. And on the right side, there's a</p> <p>4 section for transport details. Do you see that?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. And it lists a 264 C for transport</p> <p>7 details?</p> <p>8 A Yes, sir.</p> <p>9 Q Was that your beat on this day, March 28,</p> <p>10 2007?</p> <p>11 A Yes, it was. I believe so. It was.</p> <p>12 Q Okay. Do you take that to mean that you were</p> <p>13 involved in transporting Mr. Saunders?</p> <p>14 A Yes, I – yes.</p> <p>15 Q Go going back to page three where you're</p> <p>16 listed as the attesting officer. Let me know when</p> <p>17 you're looking at that.</p> <p>18 A I am, sir.</p> <p>19 Q Okay. And that lists Officer Mohammed as the</p> <p>20 first arresting officer and Officer Lewis as the second</p> <p>21 arresting. Is that right?</p> <p>22 A That's correct.</p> <p>23 Q Okay. Can you tell from this report, which</p> <p>24 officer wrote the narrative?</p> <p>25 A I don't know. I don't recall.</p>	Page 183	Page 185

<p>1 (PLAINTIFF BONNER EXHIBIT 3 MARKED FOR 2 IDENTIFICATION)</p> <p>3 A I do.</p> <p>4 Q Okay. Does looking at that help you remember 5 Catrina Bonner?</p> <p>6 A No, sir.</p> <p>7 Q Okay. After looking at all these documents, 8 are you still unable to recall this incident involving 9 Ms. Bonner and Frank Saunders on March 28, 2007?</p> <p>10 A That's correct.</p> <p>11 Q Okay. And is it correct that you do not have 12 any personal knowledge of the incident involving Catrina 13 Bonner and Frank Saunders on March 28th, 2007?</p> <p>14 A That's correct. I don't have personal 15 knowledge.</p> <p>16 Q Okay. You can put the Bonner exhibit aside. I 17 next want to ask you about Jermaine Coleman and Jabal 18 Stokes. Do you remember either of those names?</p> <p>19 A Not off-hand, no.</p> <p>20 Q Okay. Can you please look at what's marked as 21 Plaintiff Coleman, Exhibit 1?</p> <p>22 (PLAINTIFF COLEMAN EXHIBIT 1 MARKED FOR 23 IDENTIFICATION)</p> <p>24 A Yes, sir.</p> <p>25 Q Do you recognize that as an arrest report of</p>	Page 186	Page 188
<p>1 Jermaine Coleman dated May 3, 2006?</p> <p>2 A May 3rd – yes, sir.</p> <p>3 Q And – all right, it might be easier for me to 4 just ask you to look at these all together at the same 5 time. The next one, could you please look at Plaintiff 6 Coleman, Exhibit 2? Do you recognize that? Oh, I'm 7 sorry. Let me know when you have it.</p> <p>8 (PLAINTIFF COLEMAN EXHIBIT 2 MARKED FOR 9 IDENTIFICATION)</p> <p>10 A Which one is it?</p> <p>11 Q That should be the arrest report of Jabal 12 Stokes.</p> <p>13 A Jabal Stokes. Yep.</p> <p>14 Q Okay. So, you have that arrest report in 15 front of you, too?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. And the last one is Plaintiff Coleman, 18 Exhibit 3, which should be the vice case report?</p> <p>19 (PLAINTIFF COLEMAN EXHIBIT 3 MARKED FOR 20 IDENTIFICATION)</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. And what I'm going to do is ask you to 23 look at these and please know if they help you remember 24 these arrests on May 3, 2006. So please me know when 25 you've finished looking them over, okay?</p>	Page 187	Page 189

<p>1 A Yes, sir.</p> <p>2 Q Okay. And does looking at that help you</p> <p>3 remember Jabal Stokes?</p> <p>4 A No. It does not.</p> <p>5 Q How having looked at these documents, are you</p> <p>6 still unable to recall the arrests of Jermaine Coleman</p> <p>7 and Jabal Stokes on May 3, 2006?</p> <p>8 A That's correct.</p> <p>9 Q And is it correct that you do not have</p> <p>10 personal knowledge about the arrests of Jermaine Coleman</p> <p>11 and Jabal Stokes on May 3, 2006?</p> <p>12 A That's correct.</p> <p>13 Q Okay. All right. I want to next ask you</p> <p>14 about Rickey Henderson. Do you recall Rickey Henderson?</p> <p>15 A I don't, sir.</p> <p>16 Q Okay. Do you recall the baseball player named</p> <p>17 Rickey Henderson?</p> <p>18 A I do. He was a good – he stole a lot of</p> <p>19 bases.</p> <p>20 Q Yeah. That's what – well, okay. But where</p> <p>21 – he didn't live in Chicago, as far as I know.</p> <p>22 A Got me.</p> <p>23 Q Let me ask you about to look at Plaintiff</p> <p>24 Henderson, Exhibit 1, which should be an arrest report</p> <p>25 of Rickey Henderson.</p>	Page 190	Page 192
<p>1 (PLAINTIFF HENDERSON EXHIBIT 1 MARKED FOR</p> <p>2 IDENTIFICATION)</p> <p>3 A Yes, sir.</p> <p>4 Q Do you have that in front of you?</p> <p>5 A Yes, exhibit one.</p> <p>6 Q Okay. And that's the arrest report of Rickey</p> <p>7 O. Henderson, dated March 12, 2005?</p> <p>8 A That's correct.</p> <p>9 Q All right. And – can you look, please, at</p> <p>10 Plaintiff Henderson, Exhibit 2? Should be the vice case</p> <p>11 report. The same date.</p> <p>12 (PLAINTIFF HENDERSON EXHIBIT 2 MARKED FOR</p> <p>13 IDENTIFICATION)</p> <p>14 A Yes, sir.</p> <p>15 Q All right. Could you please take a look at</p> <p>16 those and let me know if they help you remember this</p> <p>17 arrest?</p> <p>18 A Yes, sir.</p> <p>19 Q Does reviewing the arrest report and the vice</p> <p>20 case report help you remember this arrest of Mr.</p> <p>21 Henderson on March 12, 2005?</p> <p>22 A It does not.</p> <p>23 Q Okay. And did you see that you're listed as</p> <p>24 an assisting officer on both reports?</p> <p>25 A Yes, sir.</p>	Page 191	Page 193

<p>1 A I don't.</p> <p>2 Q Okay. Could you please take a look at the</p> <p>3 reports to see if they help you remember this arrest,</p> <p>4 and let me know when you finished looking them over?</p> <p>5 A Yes, sir.</p> <p>6 Q You've had a chance to look over the vice case</p> <p>7 report in the arrest report?</p> <p>8 A I did, sir.</p> <p>9 Q Okay. Do those reports help you recall the</p> <p>10 arrest of Ricky Henderson on July 22, 2006?</p> <p>11 A No, sir.</p> <p>12 Q Is your name listed in the arrest report?</p> <p>13 A In the arrest report? Yes. I'm on page five</p> <p>14 of the arrest report.</p> <p>15 Q And how were you listed there?</p> <p>16 A As an assisting arresting officer?</p> <p>17 Q Do you know what you did to be listed as an</p> <p>18 assisting arresting officer?</p> <p>19 A No. Not by looking at this, no.</p> <p>20 Q The report doesn't say?</p> <p>21 A No, it does not.</p> <p>22 Q Okay. And then moving to the vice case</p> <p>23 report, is your name on that report?</p> <p>24 A It is.</p> <p>25 Q Okay. And how are you listed there?</p>	Page 194	Page 196
<p>1 A Under box 12 with victim's complainant.</p> <p>2 Q And what does it mean to be listed in that</p> <p>3 section?</p> <p>4 A Excuse me, sir?</p> <p>5 Q What does it mean to be listed in that</p> <p>6 section?</p> <p>7 A It means I probably had some time of</p> <p>8 involvement in the arrest.</p> <p>9 Q Okay. Does the report say what that</p> <p>10 involvement was?</p> <p>11 A No, sir.</p> <p>12 Q Okay. And you don't recall at this time?</p> <p>13 A No, sir.</p> <p>14 Q Was it your practice when you were an</p> <p>15 assisting officer to review the reports before they were</p> <p>16 finalized?</p> <p>17 A Not all the times. No.</p> <p>18 Q Sometimes you would do that?</p> <p>19 A Yes.</p> <p>20 Q How would you determine when, which times you</p> <p>21 would do it?</p> <p>22 A It doesn't have to be when or where, just</p> <p>23 sometimes you do review it, sometimes you don't as an</p> <p>24 assisting officer.</p> <p>25 Q Can you remember what factors would lead you</p>	Page 195	Page 197

<p>1 A Yeah. Box 18 and I might have said I was in  2 box 12.</p> <p>3 BY MR. FLAXMAN:</p> <p>4 Q And you're looking now at Plaintiff Coleman  5 Exhibit 3?</p> <p>6 A Yes. From the May 3, 2006.</p> <p>7 Q All right. What's your understanding of which  8 officer's name goes in box 12?</p> <p>9 A The first arresting officer.</p> <p>10 Q And looking at plaintiff Coleman Exhibit 3 in  11 exhibit – excuse me. Looking at Plaintiff Coleman  12 Exhibit 3 in box 18, witness is checked. Do you see  13 that?</p> <p>14 A I do.</p> <p>15 Q Do you take that to mean that you and the  16 other officers listed there were witnesses to the events  17 described in this report?</p> <p>18 A No, not that I – no.</p> <p>19 Q Okay. Going back please. To Plaintiff  20 Henderson Exhibit 5, can you let me know when you're  21 looking at that?</p> <p>22 A Yes, sir.</p> <p>23 Q And in this one, as we just corrected, you're  24 also listed in box 18, right?</p> <p>25 A That's correct.</p>	Page 198	Page 200
<p>1 Q And you take that to mean that you were an  2 assisting officer in some way, correct?</p> <p>3 A That's correct.</p> <p>4 Q The second offender, Vincent J. Dixon. Do you  5 see his name?</p> <p>6 A Yes.</p> <p>7 Q He also has a nickname of LQ. Do you see  8 that?</p> <p>9 A Yes. It looks like an O, but it might be –</p> <p>10 Q I'm sorry?</p> <p>11 A Yes, it looks LO to me, but –</p> <p>12 Q You may be right. I'm sorry about that. Do  13 you have any recollection of somebody with the nickname  14 LO?</p> <p>15 A No.</p> <p>16 Q And what about LQ in case I'm right?</p> <p>17 A No.</p> <p>18 Q Okay. All right. Can you – you also looked  19 at Plaintiff Henderson, Exhibit 6, the mugshot; is that  20 right?</p> <p>21 A That's correct.</p> <p>22 Q And that didn't help you remember Mr.  23 Henderson?</p> <p>24 A His face looks familiar, but doesn't recollect  25 from the rest, no.</p>	Page 199	Page 201

<p>1 March 3, 2008, correct?</p> <p>2 A That's correct.</p> <p>3 Q Can you please look at these three reports,</p> <p>4 the two arrests and the vice case report and let me know</p> <p>5 if they help you remember this arrest on March 3, 2008?</p> <p>6 And just know when you're done please.</p> <p>7 MR. BAZAREK: Just so we have a clear record.</p> <p>8 Plaintiff Johnson Exhibit 2 is also marked at the</p> <p>9 December 20, 2019, deposition of Officer Nichols and</p> <p>10 it was marked as Exhibit 53.</p> <p>11 A Okay, sir.</p> <p>12 Q You've looked at the arrest report and the</p> <p>13 vice - I'm sorry. You've looked at the two arrest</p> <p>14 reports and the vice case report, correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. Does that help you remember the arrest</p> <p>17 of Trinere Johnson on March 8th?</p> <p>18 A No, it does not.</p> <p>19 Q And the reports list to you as an assisting</p> <p>20 officer on these arrests; is that right? I'm sorry, let</p> <p>21 me say that again. I'm sorry. The vice case report</p> <p>22 lists you as an assisting officer. Is that correct?</p> <p>23 A Or some involvement in the arrest? Yes.</p> <p>24 Q Is it wrong to say that it lists you as an</p> <p>25 assisting officer?</p>	Page 202	<p>1 Massey.</p> <p>2 Q Okay. Do you have any recollection of John</p> <p>3 Massey?</p> <p>4 A I don't.</p> <p>5 Q Did you see that you're listed as the second</p> <p>6 arresting officer on this report?</p> <p>7 A I am.</p> <p>8 Q And you see that the time of arrest is -</p> <p>9 well, I'm sorry. The arrest date is March 3rd, 2008,</p> <p>10 with the time of 17:20 hours, do you see that?</p> <p>11 A That's correct.</p> <p>12 Q And if you look back at Exhibits 1 to 3, you</p> <p>13 see that's about ten minutes after the arrest time for</p> <p>14 Ms. Johnson and Mr. Trabeck?</p> <p>15 A That's correct.</p> <p>16 Q Can you look now at Plaintiff Johnson</p> <p>17 Exhibit 5? That should be the arrest report of Gregory</p> <p>18 McElrath, M-C-E-L-R-A-T-H.</p> <p>19 A Yes, sir.</p> <p>20 Q Do you have any recollection of Gregory</p> <p>21 McElrath?</p> <p>22 A I don't.</p> <p>23 Q All right. And if you look please at</p> <p>24 Plaintiff Johnson Exhibit 6, that should be a general</p> <p>25 offense case report. Do you have that?</p>	<p>Page 204</p>
<p>1 A That's correct.</p> <p>2 Q Is there a different term you would use or</p> <p>3 would you describe it --</p> <p>4 A No.</p> <p>5 Q Okay. Do you know what your involvement was</p> <p>6 in the arrest of Ms. Johnson on March 3, 2008?</p> <p>7 A I don't.</p> <p>8 Q Okay. And the report doesn't say, right?</p> <p>9 A No, it does not.</p> <p>10 Q Let me ask you to look, please at Exhibits 4,</p> <p>11 5, and 6, please.</p> <p>12 (PLAINTIFF JOHNSON EXHIBIT 4 MARKED FOR</p> <p>13 IDENTIFICATION)</p> <p>14 (PLAINTIFF JOHNSON EXHIBIT 5 MARKED FOR</p> <p>15 IDENTIFICATION)</p> <p>16 (PLAINTIFF JOHNSON EXHIBIT 6 MARKED FOR</p> <p>17 IDENTIFICATION)</p> <p>18 A Are we still looking at 1, 2, and 3? Hold</p> <p>19 those off too?</p> <p>20 Q We probably will want to look at those again,</p> <p>21 so please don't lose them.</p> <p>22 A Yes, sir.</p> <p>23 Q All right. Is Exhibit 4 in front of you, the</p> <p>24 arrest report of John Massey on March 3, 2008?</p> <p>25 A Yes. I'm looking at the arrest report of John</p>	Page 203	<p>1 A I do.</p> <p>2 Q And that's for the arrests of these two</p> <p>3 gentlemen, Mr. Massey and Mr. McElrath; is that right?</p> <p>4 A That's correct.</p> <p>5 Q Right. Can I please ask you to look over</p> <p>6 Exhibits 4, 5, and 6 to see if they help you remember</p> <p>7 these two arrests and let us know when you're finished</p> <p>8 with that?</p> <p>9 A Yes, sir.</p> <p>10 MR. BAZAREK: I want to note to that Plaintiff</p> <p>11 Johnson's Exhibit 6 was previously marked as Exhibit</p> <p>12 number 54 during Officer Nichols' December 20, 2019</p> <p>13 deposition.</p> <p>14 A Okay, sir.</p> <p>15 Q You've reviewed Exhibits 4, 5, and 6. Is that</p> <p>16 right?</p> <p>17 A I did.</p> <p>18 Q Okay. Did they help you remember the arrests</p> <p>19 of Mr. McElrath and Mr. Massey?</p> <p>20 A No, sir.</p> <p>21 Q All right. Let me ask you a couple questions</p> <p>22 about the general offense case report, which is number</p> <p>23 6. Let me know when you're looking at that.</p> <p>24 A Yes, sir.</p> <p>25 Q The narrative section begins "in summary this</p>	<p>Page 205</p>

<p>1 is a pod related mission under pod number 57." Do you  2 see that?  3 A Yes, sir.  4 Q Do you know what a pod related mission is?  5 A A pod related mission is one of those very  6 fixed to a street pole, the blue light flashing, those  7 are called pods and they usually have a unique number  8 association with them.  9 Q Are those video cameras?  10 A You could either log into the computer at the  11 station or there's a box thing that you can actually  12 take out from the watch commander's office and watch the  13 video of it, a live video.  14 Q It's your understanding that number 57 was one  15 of these pods somewhere out in the field?  16 A By looking at this report? Yes.  17 Q Okay. Do you know who would've seen something  18 on that to start this pod related mission?  19 A I don't remember the rest. I don't recall.  20 Q Okay. Were there ever instances where you  21 would look at video from pod cameras when you were at  22 the station?  23 A I have before, yes.  24 Q Would you do that on a regular basis or was it  25 something that you were told to do for special times?</p>	Page 206	Page 208
<p>1 A It's not a specific time. No, I wouldn't say  2 a specific time, or I was told I looked at cameras  3 before.  4 Q Okay. And I think you said that there was  5 also some kind of box you could use in the field to see  6 what was on the cameras?  7 A There is, you had to sign out from the watch  8 commander's office.  9 Q Do you know what time frame that became  10 available?  11 A I don't.  12 Q Okay. Do you know if that was available in  13 2008?  14 A I don't. I don't recall.  15 Q Okay. On the bottom of the general offense  16 case report, your name is listed as a reporting officer  17 and Officer Leano listed above your name, right?  18 A That's correct.  19 Q Would you consider Officer Leano the first  20 recording officer on this report?  21 A Yes.  22 Q And you were the second reporting officer?  23 A That's correct.  24 Q Is that your signature to the right of your  25 name?</p>	Page 207	Page 209

<p>1 A Yes.</p> <p>2 Q Why wouldn't you just have the officer sign it</p> <p>3 when the officer reviewed it?</p> <p>4 MR. BAZAREK: Objection. Asked and answered.</p> <p>5 A Like I stated before, I don't recall this</p> <p>6 report and I don't know why I signed it at that time or</p> <p>7 didn't sign it at that time.</p> <p>8 Q Okay. I'm sorry. I meant to ask about the</p> <p>9 practice when you were the one who was signing another</p> <p>10 officer's name. Was it your testimony that every time</p> <p>11 you signed another officer's name, you did it after the</p> <p>12 officer had reviewed the report?</p> <p>13 A That's correct.</p> <p>14 Q Why would you then sign the name? Why</p> <p>15 wouldn't you just have that officer sign it after the</p> <p>16 officer reviewed the report?</p> <p>17 A I don't -- I don't recall. I don't know. I</p> <p>18 don't know. I couldn't answer that.</p> <p>19 Q All right. Having looked at these reports</p> <p>20 about Mr. McElrath and Mr. Massey, you're still unable</p> <p>21 to recall the arrest of those two people on</p> <p>22 March 3, 2008?</p> <p>23 A That's correct.</p> <p>24 Q Is it correct that you don't have any personal</p> <p>25 knowledge of the arrests of Mr. McElrath and Mr. Massey</p>	Page 210	Page 212
<p>1 on March 3rd?</p> <p>2 A That's correct. I don't.</p> <p>3 Q Okay. The next Exhibits, Plaintiff Johnson 7</p> <p>4 through 9 are about Angelo Shenault. As I'm sure your</p> <p>5 lawyer's going to point out, you have already given</p> <p>6 testimony about those, so I'm not going to ask you for</p> <p>7 any details except to ask you to do the same thing</p> <p>8 you've done with the others to look them over again and</p> <p>9 see if they help you remember these events of March 3,</p> <p>10 2008. Can you let me know you have exhibits -</p> <p>11 (PLAINTIFF JOHNSON EXHIBIT 7 MARKED FOR</p> <p>12 IDENTIFICATION)</p> <p>13 (PLAINTIFF JOHNSON EXHIBIT 8 MARKED FOR</p> <p>14 IDENTIFICATION)</p> <p>15 (PLAINTIFF JOHNSON EXHIBIT 9 MARKED FOR</p> <p>16 IDENTIFICATION)</p> <p>17 A 7 through 9?</p> <p>18 Q 7 through 9 in front of you?</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. And seven is the arrest report of</p> <p>21 Angelo M. Shenault on March 3, 2008?</p> <p>22 A That's correct.</p> <p>23 Q Okay. On that report, you're listed as the</p> <p>24 first arresting officer and the attesting officer,</p> <p>25 correct?</p>	Page 211	Page 213

<p>1 A That's correct.</p> <p>2 Q I had one more. Let me just go off the record</p> <p>3 for a moment, okay?</p> <p>4 COURT REPORTER: We're going off the record.</p> <p>5 The time is 4:55 p.m.</p> <p>6 (OFF THE RECORD)</p> <p>7 COURT REPORTER: Okay. We're back on the</p> <p>8 record for the deposition of Douglas Nichols. The</p> <p>9 time is 4:55 p.m. and today's date is</p> <p>10 April 18, 2022.</p> <p>11 BY MR. FLAXMAN:</p> <p>12 Q Can I ask you to look at just one other, a</p> <p>13 report about just one more arrest, which is marked as</p> <p>14 Plaintiff Moye Exhibit 1 and I'll ask you to look at</p> <p>15 Moye Exhibits 2 and 3 at the same time. Let me know</p> <p>16 when you have that in front of you.</p> <p>17 (PLAINTIFF MOYE EXHIBIT 1 MARKED FOR</p> <p>18 IDENTIFICATION)</p> <p>19 (PLAINTIFF MOYE EXHIBIT 2 MARKED FOR</p> <p>20 IDENTIFICATION)</p> <p>21 (PLAINTIFF MOYE EXHIBIT 3 MARKED FOR</p> <p>22 IDENTIFICATION)</p> <p>23 A Yes, I have 1, 2, and 3 in front of me.</p> <p>24 Q Okay. Is Exhibit 1, the arrest report of</p> <p>25 Terrence Moye on July 21, 2008?</p>	Page 214	Page 216
<p>1 A That's correct.</p> <p>2 Q Okay. Do you have any recollection of</p> <p>3 Terrence Moye?</p> <p>4 A Not that I recall, no.</p> <p>5 Q Okay. And the arrest report gives a nickname</p> <p>6 of T-dog. Do you have any recollection of somebody with</p> <p>7 that nickname?</p> <p>8 A No, sir.</p> <p>9 Q All right. When we took your deposition a</p> <p>10 couple years ago, you testified that you weren't related</p> <p>11 to somebody you worked in the lockup with the same last</p> <p>12 name, Nichols. Are you still not related to that</p> <p>13 person?</p> <p>14 A No, sir.</p> <p>15 Q Okay. Do you see Exhibit 2 is an original</p> <p>16 case incident report for the arrest of Mr. Moye on</p> <p>17 July 21, 2008?</p> <p>18 A That's correct.</p> <p>19 Q And was there a time when you stopped using</p> <p>20 vice case reports and started using original case</p> <p>21 incident reports?</p> <p>22 A I believe there was a time that we started</p> <p>23 using the original case incident reports were on the</p> <p>24 computer instead of the hard copy where we can either</p> <p>25 type or write on them, so there was a time -</p>	Page 215	Page 217

## 1 CERTIFICATE OF REPORTER

Page 218

2

3

4 I do hereby certify that the witness in the foregoing  
5 transcript was taken on the date, and at the time and  
6 place set out on the Stipulation page hereof, by me  
7 after first being duly sworn to testify the truth, the  
8 whole truth, and nothing but the truth; and that the  
9 said matter was recorded by me and then reduced to  
10 typewritten form under my direction, and constitutes a  
11 true record of the transcript as taken, all to the best  
12 of my skill and ability. I certify that I am not a  
13 relative or employee of either counsel and that I am in  
14 no way interested financially, directly or indirectly,  
15 in this action.

16

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20

21

22 JESSE HARP

23 COURT REPORTER/NOTARY

24 MY COMMISSION EXPIRES: 01/28/2023

25 SUBMITTED ON: 05/02/2022

<b>Exhibits</b>	<b>Exhibit 11a_</b> <b>Nichols</b> 61:23, 24 62:1	<b>Henderson Ex</b> <b>hibit 3_</b> <b>Nichols</b> 192:8, 9	<b>Johnson Exhi</b> <b>bit 1_Nichols</b> 200:16,17	5,7,12 202:10
<b>Coleman Exhi</b> <b>bit 1_Nichols</b> 186:21,22	<b>Exhibit 11b_</b> <b>Nichols</b> 65:2,6, 19	<b>Henderson Ex</b> <b>hibit 4_</b> <b>Nichols</b> 193:2, 3	<b>Exhibit 40_</b> <b>Nichols</b> 104:1, 3	<b>Exhibit 54_</b> <b>Nichols</b> 123:23,25 205:11,12
<b>Coleman Exhi</b> <b>bit 2_Nichols</b> 43:2,6 185:3,4, 8 187:6,8 191:10,12 201:5,6 202:8 214:19 215:15	<b>Exhibit 9_</b> <b>Nichols</b> 67:1,7, 12	<b>Exhibit 27_</b> <b>Nichols</b> 87:3,5	<b>Exhibit 41_</b> <b>Nichols</b> 105:24 106:2	<b>Exhibit 55_</b> <b>Nichols</b> 124:17,18 130:21,22,23
<b>Bonner Exhibi</b> <b>t 3_Nichols</b> 48:13,18,24 185:23,24	<b>Exhibit 12_</b> <b>Nichols</b> 69:2,8, 12	<b>Exhibit 28_</b> <b>Nichols</b> 88:24 89:2	<b>Exhibit 42_</b> <b>Nichols</b> 106:16,18	<b>Exhibit 56_</b> <b>Nichols</b> 125:11,13
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